



IDEALEASE GUIDE TO TRANSPORTATION SAFETY & COMPLIANCE

A Resource for Commercial Truck Fleet Professionals



9th Edition

Idealease, Inc.

Focused on Your Success

For companies across North America who want to manage their business, not their commercial truck fleet management challenges, Idealease offers a safe, cost-effective and efficient alternative to commercial truck ownership through our comprehensive truck leasing, truck rental, and dedicated maintenance solutions. We are the industry experts at seamlessly transitioning businesses from truck ownership to full-service leasing. Idealease supports a fleet of more than 45,000 trucks, tractors and trailers with the most proficient, manufacturer-certified technicians, a vast parts inventory and the latest diagnostic equipment.

We are focused on your success.

EXPERTISE | RESPONSIVENESS | STABILITY

Our core values of Expertise, Responsiveness, and Stability drive our industry-leading customer retention rates:

Our expert truck leasing, rental and service professionals can create transportation solutions to help reduce the risk and cost associated with commercial truck operations and fleet management.

Our responsive fleet services will help keep your business running smoothly—allowing you to focus even more attention on serving your customers and growing your business.

Idealease offers stability for your business because of our unique organization structure—we are a vertically aligned distribution network of more than 430 community-based locations.

Please refer to the inside back cover for a comprehensive listing of Idealease Safety & Compliance services.

For more information, visit www.idealease.com.

Idealease Safety & Compliance Services

Idealease can help you assess your current safety and risk management profile and recommend changes that strengthen your policies and practices. We provide the guidance and tools to develop sound risk management programs and loss prevention policies that help you improve driver safety, reduce risk, prevent loss, and manage costs.

SAFETY & COMPLIANCE SEMINARS

One-day safety and compliance seminars offered annually in cities in the U.S. and Canada. These seminars are the industry's leading source of information and training that fleet managers and private truck fleet professionals need to maintain a safe fleet, reduce violations and accidents, comply with regulations, understand the carrier analysis process, and prepare for FMCSA intervention and compliance reviews. Presented by Idealease, Inc. in partnership with the National Private Truck Council (NPTC), a trade association that represents private fleets.

DRIVER SAFETY RESOURCES

Quarterly Driver Safety Meetings & Driver Start-Up Kit

Customized quarterly meetings deliver driver training and information that promote safe driving practices. The Idealease Start-up Kit includes a daily inspection book, log book, FMCSR book, reflective triangles, and more to help drivers concentrate on safe vehicle operation.

Safe Driver and Award Recognition Program

This motivational tool for your drivers encourages safe vehicle operating procedures and recognizes safe vehicle operators for their contribution to the bottom line.

CORPORATE RESOURCES

Policy and Procedure Statement Development

Idealease can assist you in preparing your Policy and Procedure Statement to clearly state your company's intent to comply with all government regulations regarding employee rights, and promote efficiency, safety, and profitability for your company.

DOT Compliance and Audit Preparation

We can conduct a mock DOT audit to help you prepare for a DOT audit.

Risk Management and Loss Prevention Programs

Our Risk Management and Loss Prevention programs address every aspect of your operation, from management to maintenance personnel. By thoroughly analyzing loss runs provided by your insurance carrier, we can pinpoint and recommend methods to strengthen the area's most vulnerable to capital loss liability including: noncompliance with governmental agencies (OSHA, EPA, DOT) and accident liability claims.

OTHER CORPORATE SAFETY & COMPLIANCE RESOURCES

- Drug and Alcohol Testing
- New Driver Orientation Training
- Electronic Logging Device
- Safety Committees
- Accident Review Committees
- OSHA Compliance
- Accident Analysis
- Terminal Inspections
- Cargo Security
- Required Forms, Files, Documents
- Safety Training Videos, Kits & Materials

IDEALEASE GUIDE TO TRANSPORTATION SAFETY & COMPLIANCE



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Foreword

Idealease helps commercial truck transportation professionals comply with the Federal Motor Carriers Safety Administration (FMCSA) regulations. This guide provides fleet supervisors and managers valuable insight into the regulations, requirements, and information needed to establish a proactive and compliant safety and loss control program. An effective program can increase a company's profits and reduce its liability risk. The FMCSA regulations are lengthy and complex. This guide simplifies the regulations to provide you with a baseline understanding. Regulations change frequently, so we recommend that you review the **current** regulations at: www.fmcsa.dot.gov before taking any action. (Note: The FMCSA regulations are not presented in their entirety in this guide.)

The Idealease Guide to Transportation Safety and Compliance is provided for Idealease locations and their customers and is not to be construed as a complete or exhaustive source of compliance or safety information. The Idealease Guide to Transportation Safety and Compliance is advisory in nature and does not warrant, guarantee, or otherwise certify compliance with laws, regulations, requirements, or guidelines of any local, State, or Federal agency and/or governing body, or industry standards.

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Chapter 1

Applicability of the Federal Motor Carrier Safety Regulations

Who is subject to the Regulations?

First, we must determine what is a commercial motor vehicle. Interestingly, we find two definitions for a Commercial Motor Vehicle (CMV) in the regulations. The first definition is as follows:

CFR 390.5 A CMV is a self-propelled or towed motor vehicle used on a highway in interstate commerce to transport property or passengers when the vehicle:

- Has a GVWR/GCWR or gross weight of 10,001 lbs. or more;
- Transports more than 8 passengers (including driver) for compensation, or more than 15 passengers (including driver) not for compensation.
- Transports hazardous materials in placarded quantities.

This definition applies to all the regulations except those that pertain to commercial drivers licensing (CDL) CFR 383 or drug and alcohol testing CFR 382 and title 40.

Second definition:

CFR 383.5 Has a gross combination weight rating of 26,001 lbs or more inclusive of a towed unit with a gross vehicle weight rating of 10,000 lbs or more.

- Is designed to transport 16 or more passengers, including the driver.
- Is of any size and is used in the transportation of hazardous materials requiring placarding.

The difference in the two definitions is directly related to the manufacturer's gross vehicle weight rating (MGVWR). We start at 10,001 lbs MGVWR with all the regulations and add CDL and Drug Testing regulations when the MGVWR reaches 26,001 lbs. Keep in mind that both definitions include hazardous materials and passenger requirements that could classify a unit under the weight requirements as a commercial motor vehicle.

Am I an Interstate or Intrastate Carrier?

FMCSR 390.5

Now that we have defined what is a commercial motor vehicle, we must determine if you are operating as an INTERstate or INTRAstate carrier. The definition of an intrastate carrier can best be defined by eliminating the fact that it is not an Interstate carrier.

The Federal Motor Carrier Safety Administration defines interstate and intrastate commerce as follows:

INTERSTATE COMMERCE MEANS TRADE, TRAFFIC, OR TRANSPORTATION IN THE UNITED STATES;

- 1) Between a place in a State and a place outside of such State (including a place outside of the United States)
- 2) Between two places in a State through another State or a place outside of the United States
- 3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

INTRASTATE COMMERCE MEANS ANY TRADE, TRAFFIC, OR TRANSPORTATION IN ANY STATE, WHICH IS NOT DESCRIBED IN THE TERM "INTERSTATE COMMERCE."

The US Federal Government governs interstate operations while intrastate operations are governed by the state in which you operate. The majority of the states have adopted the Federal Motor Carrier Safety regulations with some exceptions.

- If you are an INTERstate carrier you are required to obtain a USDOT number.
- If you are an INTRAstate carrier in the following states you will be required by your state to obtain a USDOT number. The number can be applied for through the FMCSA website at <https://www.fmcsa.dot.gov/registration/do-i-need-usdot-number>.

Alabama	Alaska	Arizona	Colorado	Connecticut
Florida	Georgia	Indiana	Iowa	Kansas
Kentucky	Maine	Maryland	Michigan	Minnesota
Missouri	Montana	Nebraska	New Jersey	New York
North Carolina	Ohio	Oklahoma	Oregon	Pennsylvania
South Carolina	Texas	Utah	Washington	West Virginia
Wisconsin	Wyoming	Delaware	Hawaii	Idaho
Nevada	Puerto Rico			

US DOT Authority Application and MCS - 150

US DOT Authority Application

All new entrant motor carriers must complete an application package consisting of an MCS-150, and an MCS-150A. This application may be completed online at <http://safer.fmcsa.dot.gov>, or by contacting the FMCSA headquarters office at (800) 832-5660 and requesting an application by mail. For-hire motor carriers must complete an OP-1, or OP-1 (P), the BOC-3, and pay a \$300.00 filing fee. Private and exempt for-hire carriers will not be required to pay a fee. Once the application package is completed, the carrier will be granted new entrant registration (USDOT number). After being issued a new entrant registration, the carrier will be subject to an 18-month safety-monitoring period. During this safety-monitoring period, the carrier will receive a safety audit and have their roadside crash and inspection information closely evaluated. (We will discuss the audit in Chapter 10). The carrier will be required to demonstrate that it has the necessary systems in place to ensure basic safety management controls. Failure to demonstrate basic safety management controls may result in the carrier having their new entrant registration revoked. As a “new entrant” motor carrier, you can get more information <https://ai.fmcsa.dot.gov/newentrant/Home.aspx>.

MCS 150 Update CFR 390.19

The FMCSA requires all interstate carriers to file an MCS-150 or MCS-150B, if a Safety permit is required to update this information every twenty-four months based on the last two digits of your US DOT number. If the next-to-last digit of its USDOT Number is odd, the motor carrier or intermodal equipment provider shall file its update in every odd-numbered calendar year. If the next-to-last digit of the USDOT Number is even, the motor carrier or intermodal equipment provider shall file its update in every even-numbered calendar year. You can file a biennial update prior to the time that an update is due. FMCSA considers any update of an MCS-150 or MCS-150C that was completed by a motor carrier, Intermodal Equipment Provider (IEP), or carrier that has been issued a Hazardous Materials Safety Permit (HMSP) at any time during the 12 months immediately preceding the biennial update due date to satisfy the biennial update requirement.

Filing Options

There are three options for filing the necessary forms to update a USDOT Number:

1. Go to https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option
2. Faxing a signed copy to: 202-366-3477
3. File by Phone. If you prefer to speak to a processing officer or file by phone call 240-544-0881 for the Biennial Update Division, Monday through Friday 8AM-6PM CST & Saturdays 9AM-2PM CST.

FMCSA strongly encourages applicants to use the electronic online update process since it has built-in edit checks and simple yes-and-no questions for easy, accurate completion. It is also significantly

faster than applying by mail. The estimated time to complete the form online is approximately 20 minutes. Failure to comply with CFR Title 49 Part 390.19 may result in deactivation of your USDOT number and civil penalties of up to \$1,000 per day, issued at Compliance Review with fines not exceeding \$10,000.

Carrier Name Change

If you are a for-hire motor carrier submitting a name change, as required under 49 CFR 365.413, please use the above filing options above to submit a revised MCS-150 or MCS-150B.

Chapter 2

Federal Regulations Specific to Leasing and Renting of a CMV

When renting or leasing a CMV there are specific regulations found in CFR 390 that apply to these operations:

390.21 Marking of CMVs

All CMV's must be properly marked before the unit can be placed into service and operate.

For a leased or owned unit, the following will apply:

Every self-propelled CMV as defined in 390.5 (10,000 lb) must be marked and display the following information on each side of a self-propelled CMV with letters that sharply contrast with the background and can be readily legible during daylight hours from a distance of 50 feet;

- The legal name or a single trade name of the motor carrier operating the self-propelled CMV, as listed on the motor carrier identification report (Form MCS-150).
- The motor carrier identification number issued by the FMCSA, preceded by the letters "USDOT".
- The city and state of the motor carrier are no longer required but are not prohibited.

Question: If I am renting a CMV from Idealease, am I required to follow the marking requirements of the FMCSA as indicated above?

Answer: The FMCSA specifically addresses this situation in CFR 390.21(e). A vehicle that is under a rental agreement having a term not in excess of 30 calendar days may operate with the rental company's US DOT number and markings as long as the rental agreement contains the following:

- Name and address of the renting motor carrier.
- The renting motor carrier's US DOT number (in lieu of the number, whether the motor carrier is an interstate or intrastate carrier, and if hazardous materials will be transported).
- The rental agreement is also required to be kept in the vehicle for the full term of the rental agreement.
- If the rental exceeds 30 days and the vehicle does not have your identification you are in violation.

Leased CMV documentation required in the cab:

Lease vehicles are subject to the FMCSA regulation CFR 376.11(c) stating that a copy of the lease or certified statement of lease with the required information is to be kept on the unit during the lease period.

See Form 2-1.



Statement of Lease

This statement certifies in accordance with MCSA regulations CFR 376.11 and 376.21 that this vehicle is being operated as a lease vehicle:

By: _____
(Name of Lessee)

From: _____
(Name of Lessor)
(Owner)

Below listed Vehicular Equipment will be operated under agreement as set forth in the Vehicle Lease Service Agreement signed by Lessor which became effective

_____ and will terminate on _____
(Mo.) (Day) (Year) (Mo.) (Day) (Year)

Master copies of the Vehicular Lease Service Agreement and Addendums thereto are on file in both the home office of the Lessee and the Lessor.

Vehicle No.	Year	Make	Serial Number

Chapter 3

Insurance Requirements of a Motor Carrier

Subpart A — Motor Carriers of Property

FMCSR 387.1 Purpose and scope.

This subpart prescribes the minimum levels of financial responsibility required to be maintained by motor carriers of property operating motor vehicles in interstate, foreign, or intrastate commerce. The purpose of these regulations is to create additional incentives to motor carriers to maintain and operate their vehicles in a safe manner and to assure that motor carriers maintain an appropriate level of financial responsibility for motor vehicles operated on public highways.

Motor Carriers of Property.

Proof of the required financial responsibility shall be maintained at the motor carrier's principal place of business. The proof shall consist of:

MCS-90 "Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980" (Form MCS 90) issued by an insurer(s);
To view the form: <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/MCS-90%201-5-17%20508.pdf>

or

MCS-82 A "Motor Carrier Surety Bond for Public Liability Under Section 30 of the Motor Carrier Act of 1980" (Form MCS 82) issued by a surety; *To view the form: <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/registration/47231/mcs-82-1-5-2017-508.pdf>*

or

A written decision, order, or authorization of the Federal Motor Carrier Safety Administration authorizing a motor carrier to self-insure under §387.309, provided the motor carrier maintains a satisfactory safety rating as determined by the Federal Motor Carrier Safety Administration under Part 385 of the FMCSR.

The proof of minimum levels of financial responsibility required by this section shall be considered public information and be produced for review upon reasonable request by a member of the public.

387.17 Violation and penalty.

Any person (except an employee who acts without knowledge) who knowingly violates the rules of this subpart shall be liable to the United States for civil penalty of no more than \$11,000 for each violation, and if any such violation is a continuing one, each day of violation will constitute a separate offense.

SCHEDULE OF LIMITS
(Public liability)

Type of carriage	Commodity transported	January 1,1985
(1) For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,001 or more pounds).	Property (nonhazardous)	\$750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,001 or more pounds).	Hazardous substances, as defined in <u>49 CFR 171.8</u> transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2, and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in <u>49 CFR §173.403</u>	\$5,000,000
(3) For-hire and Private (In interstate or foreign commerce: in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,001 or more pounds)	Oil listed in <u>49 CFR 172.101</u> ; hazardous waste, hazardous materials and hazardous substances defined in <u>49 CFR 171.8</u> and listed in <u>49 CFR 172.101</u> , but not mentioned in (2) above or (4) below	\$1,000,000
(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,000 pounds).	Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in <u>49 CFR 173.403</u>	\$5,000,000

Chapter 4

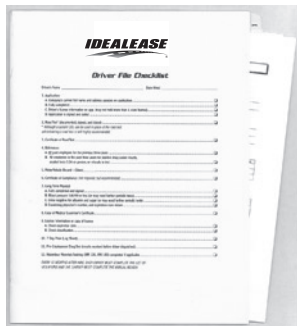
Driver Qualifications

FMCSR 391

Driver Qualifications Files

Who is required to have a driver qualification file?

Driver qualification files are required for all drivers of a motor carrier operating vehicles above 10,000 lbs. GVWR or gross weight. This means that even drivers without a CDL license are required to have a file if they are operating a CMV over 10,000 lbs. There are a few states that have exempted the file requirements for intrastate carriers operating vehicles less than 26,000 lbs.



However, as a better business practice, I would recommend that you follow the federal requirement at 10,000 lbs. This may include technicians, sales personnel, dispatchers, and owners. Files are to be kept throughout the duration of employment and 3 years after a driver has terminated employment.

There are varying industry opinions on how to maintain driver qualification files in the industry. Many companies outsource their driver hiring and selection process to driver leasing companies and rely on them for driver file compliance. However, it is your responsibility as the motor carrier to remain in compliance with the FMCSA regulations.

With current regulations, and the requirements of other government regulatory agencies such as the ADA, EEOC, HIPPA and OSHA, it is advisable that your driver selection, hiring and driver file process be reviewed by a labor attorney.

Driver Qualification

CFR 391.11 Minimum driver qualification requirements.

Except as provided in CFR 391.63, a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive a commercial motor vehicle.

A person is qualified to drive a motor vehicle if he/she:

- Is at least 21 years old;

- Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;

Can, by reason of experience, training, or both, safely operate the type of commercial motor vehicle he/she drives;

Is physically qualified to drive a commercial motor vehicle in accordance with Physical Qualifications and Examinations of CFR 391;

Has a current valid commercial motor vehicle operator's license issued only by one State or jurisdiction;

Is not disqualified to drive a commercial motor vehicle under the rules in §391.15; and

Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with CFR 391.31, or has presented an operator's license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test in accordance with CFR 391.33.

The Driver Selection Process

The driver selection process is influenced by different external and internal entities that place demands upon your driver qualifications. This would include your insurance carrier, FMSCA, human resources, and operations departments. Although it is not a FMCSA regulation to have a driver selection standard, it is a better business practice to have one in place. Here are some tips for developing a driver selection standard:

The standard should meet the minimum requirements for driver qualification as outlined by the FMCSR CFR 391.11. Also, it must be such that the driver is not disqualified as outlined in CFR 383.51 and the drug and alcohol regulations of CFR 382.

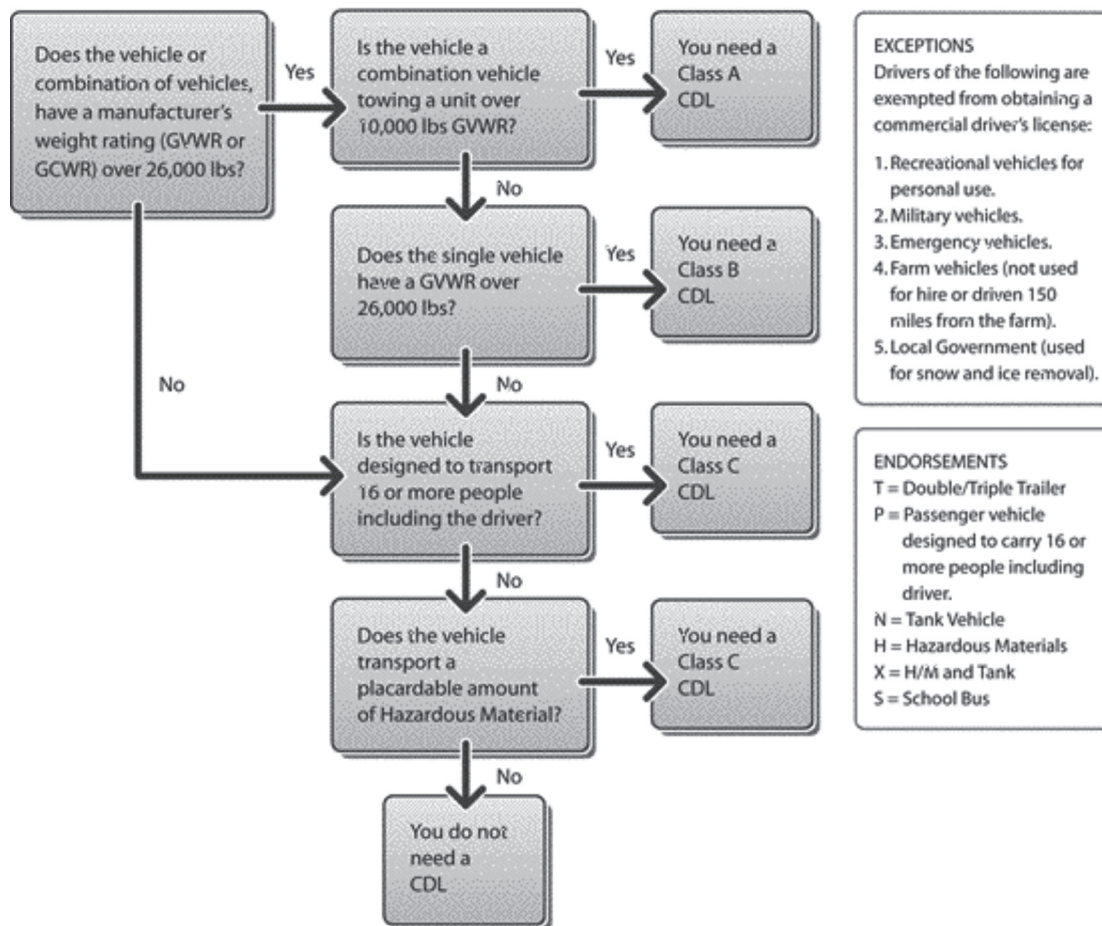
The standard should meet the minimum requirements of your insurance carrier. Your insurance carrier will provide you with their standards that address:

Minimum age, experience and disqualifying offenses on a driver's motor vehicle record. Your insurance carrier's standards are usually always more stringent than those of the FMCSA.

Is my driver required to have a Commercial Driver's License?

The CDL is a state issued license in accordance with Federal regulations. Use the following diagram to determine if a CDL is needed by the drivers who operate your vehicles.

U.S. Commercial Driver's License (CDL) Requirements



You will notice in the diagram that there is no reference made as to whether the unit is equipped with air brakes. If the GVWR of the vehicle is below 26,001 lbs, a CDL is not required unless you have Hazardous Materials or passengers. Some states require drivers to obtain chauffeurs licenses for CMV's greater than 10,000 lbs and less 26,000 lbs. (example IN and IL)

Make sure that the driver you are hiring has the appropriate license for the vehicles that will be operated. Also, review the endorsements as well the restrictions that are on the license. Make sure the license has not expired. Drivers from out of state have 30 days, by regulation, to change their license when they have established a new state of residency. It is your responsibility to make sure that you are placing a licensed qualified driver in your vehicle.

Take a copy of both sides of the license. A color copier is best to use for licenses as many states' licenses are in color. Place a copy of the license in the driver's qualification file.

States vary in license requirements and can exceed the DOT CDL requirements. For driver's license requirements, check with your state DMV.

Driver Application

Here is where the qualifications process starts. The FMCSA regulation CFR 391.21 requires that specific information be included on every commercial driver's application. Review the application that you are currently using to make sure it meets the regulation requirements. The application form in this chapter meets all the requirements of the regulations. All applications are to be completed in entirety by the driver applicant. Upon receiving the application, make sure all areas are completed. If not, return to the driver for completion. Make sure the application is also signed and dated. Make sure there are no "gaps" in employment. Drivers are required to provide all previous employment information in the three years prior to the date of application. The driver must also provide an additional seven years of commercial driving history on the application. Pay special attention to the following areas on the application which are often overlooked by the applicant:

- Social Security number
- The two questions regarding license suspensions or revocations
- Gaps in employment
- Traffic violations (3 years)
- Accident record (3 years)
- Date and signature

See Form 4-1.

Driver for Multiple Employers

Drivers that work part-time fall into several classifications:

1. Drivers that work for multiple employers on a regular basis.
2. Drivers who are regularly employed by a motor carrier and occasionally drive for another motor carrier.
3. An employee of a non-motor carrier and who drives occasionally or part-time.

First let's look at the driver qualification process:

Multiple Employer Driver

1. Multiple-employer driver means a driver, who in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. This definition applies to a driver who regularly works part time for two or more employers. If a motor carrier employs a person as a multiple-employer driver (as defined in CFR 390.5), the motor carrier shall comply with all requirements, except that the motor carrier need not:
 - Require the person to furnish an application for employment in accordance with CFR 391.21;
 - Make the investigations and inquiries specified in CFR 391.23 with respect to that person;
 - Perform the annual driving record inquiry required by CFR 391.25(a);
 - a)(4) Perform the annual review of the person's driving record required by CFR 391.25(b);or
 - (b) Before a motor carrier permits a multiple-employer driver to drive a commercial motor vehicle, the motor carrier must obtain his/her name, his/her social security number, and the identification number, type and issuing state of his/her commercial motor vehicle

operator's license. The motor carrier must maintain this information for 3 years after employment of the multiple-employer driver ceases.

2. A driver who is regularly employed by a motor carrier and occasionally works for another motor carrier.

CFR 391.65(a) A motor carrier may employ a driver who is not a regularly employed driver of that motor carrier without complying with the generally applicable driver qualification file requirements in this part, if:

- The driver is regularly employed by another motor carrier; and
- The motor carrier which regularly employs the driver certifies that the driver is fully qualified to drive a commercial motor vehicle in a written statement that:
 - Is signed and dated by an officer or authorized employee of the regularly employing carrier;
 - Contains the driver's name and signature;
 - Certifies that the driver has been regularly employed as defined in §390.5;
 - Certifies that the driver is fully qualified to drive a commercial motor vehicle under the rules in Part 391 of the Federal Motor Carrier Safety Regulations;
 - States the expiration date of the driver's medical examiner's certificate;
 - Specifies an expiration date for the certificate, which shall be no longer than 2 years or, if earlier, the expiration date of the driver's current medical examiner's certificate; and
- A motor carrier that obtains a certificate in accordance with paragraph (a)(2) of this section shall:
 - Contact the motor carrier which certified the driver's qualifications under this section to verify the validity of the certificate. This contact may be made in person, by telephone, or by letter
 - Retain a copy of that certificate in its files for three years.
- A motor carrier which certifies a driver's qualifications under this section shall be responsible for the accuracy of the certificate. The certificate is no longer valid if the driver leaves the employment of the motor carrier which issued the certificate or is no longer qualified under the rules in this part.

3. An employee of a non-motor carrier who occasionally or part time drives for a motor carrier:

A person who drives for one motor carrier (even if it is only one day a month) would not meet the definition of an intermittent, casual, or occasional driver. The motor carrier must fully qualify the driver and maintain a qualification file as a regularly employed driver.

With all of that regulation said, it is still in the best interest of a motor carrier and the best liability protection to require all drivers, regardless of employment status, to complete a full qualification process with a complete file before he/she operates a CMV.

See Form 4-12.

Motor Vehicle Records

CFR 391.23

Upon Hire

It is necessary to submit an inquiry into the driver's motor vehicle record (MVR) during the preceding 3 years to the appropriate agency of every state in which the driver held a motor vehicle operator's license or permit during those 3 years. A copy of the driver record(s) obtained in response to the inquiry or inquiries to each state must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained in compliance with CFR 391.51. If no driving record exists from the state or states contacted, the motor carrier must document a "good faith" effort to obtain such information, and certify that no record exists for that driver in that state. Although the regulations allow the MVR to be obtained within 30 days of employment, it is recommended, to protect the liability of the motor carrier, that it be obtained and reviewed before selecting the driver for employment. This record is to be kept in the driver qualification file for the entire time the driver is employed and three years after separation. Cross-reference the Motor Vehicle Record (MVR) with the application for discrepancies. A third-party provider can be used to obtain an MVR; however, this is an area that caution needs to be used to comply with the Fair Credit Reporting Act. Before attempting to obtain an MVR, have the driver sign a release.

Annual MVR

CFR 391.25

Each motor carrier shall, at least once every 12 months, make an inquiry into the driving record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every state in which the driver held a commercial motor vehicle operator's license or permit during the time period. The annual MVR can be removed from the file after 3 years from the date of issuance.
See Form 4-12

Medical Certification MVR

CFR 391.23(m)(2).

A new CDLIS MVR is required to be obtained within 15 days of medical certification.

Annual Review

CFR 391.25

Each motor carrier shall, at least once every 12 months, review the driving record of each driver it employs to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor.

The motor carrier must consider any evidence that the driver has violated any applicable Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations (49 CFR chapter I, subchapter C).

The motor carrier must consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations,

such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public.
See Form 4-9.

Driver Violation Notice

383.31 Notification of convictions for driver violations

Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a state or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a state or local law relating to motor vehicle traffic control (other than a parking violation) in a state or jurisdiction other than the one which issued his/her license, shall notify the state of license issuance and their employer within 30 days of conviction.

See Form 4-10.

Road Test

CFR 391.31

A road test is required for all new drivers prior to placing the driver into service. However, in CFR 391.33 there are equivalents to a road test that a motor carrier can accept, such as a CDL which required a road test to obtain, or a test by another motor carrier within 3 years of the date of application. If you are operating tank trailers or multiple trailers, a road test is required because the CDL could have been obtained without operating like equipment, as the tank and multiple trailer endorsements are gained by knowledge testing only. Please refer to the road test form and certification in this chapter. *See Forms 4-5 and 4-6.*

Frequently Asked Questions For Road Test

May an employer conduct a road test administered in accordance with 49 CFR §391.31 prior to a CDL driver-applicant subject to 49 CFR §382 submits to a pre-employment controlled substances test?

Answer: Yes. An employer may administer a road test to a prospective driver subject to Part 382 without first testing him/her for controlled substances. The intent of the road test is to effectively evaluate the driver's ability to operate a commercial motor vehicle (CMV). This guidance does not allow the motor carrier to dispatch the prospective driver on his/her first trip prior to obtaining a verified negative test result.

Is an employer required to conduct a pre-employment query of the Clearinghouse for a driver-applicant subject to 49 CFR Part 382 before administering a road test in accordance with 49 CFR 391.31?

Answer: No. An employer is not required to conduct a pre-employment query of the Clearinghouse before administering a road test to a prospective driver subject to 49 CFR part 382. Under § 382.701(a), employers are required to query the Clearinghouse when hiring a driver to perform safety sensitive functions. The road test occurs before the driver is hired; therefore, employers may conduct a pre-employment query at the time they road test a prospective driver but are not required to do so

Entry Level Driver Training

CFR 380.603

Entry-Level Driver Training Rule

The Federal Motor Carrier Safety Administration has published FAQs and other compliance materials for training providers, motor carriers and drivers on the new Entry-Level Driver Training rule. The new rule went into effect February 7, 2022.

The Entry-Level Driver Training regulations establish new federal minimum training standards for entry-level drivers.

This includes individuals applying for:

- A Class A or Class B commercial driver's license (CDL) for the first time
- An upgrade of an existing Class B CDL to a Class A CDL
- A school bus (S), passenger (P), or hazardous materials (H) endorsement for the first time

Beginning February 7, 2022, drivers must have completed the required entry-level driver training from a provider registered with FMCSA before taking a CDL skills or knowledge test to obtain one of the licenses or endorsements listed above.

Only drivers who obtain a commercial learner's permit (CLP) on or after the February 7, 2022 compliance date are subject to ELDT regulations for obtaining a CDL. Drivers who currently hold a CLP may obtain a CDL without completing entry-level training, as long as they obtain their CDL before their CLP, or renewed CLP, expires.

Current CDL holders who apply for a new S, P, or H endorsement on or after February 7, 2022 are subject to ELDT requirements for those endorsements. The ELDT requirements for obtaining the S, P, or H endorsements also apply to drivers who obtain their CLP or CDL after February 7, 2022.

Drivers seeking to obtain a Class A or Class B CDL or an S, P, or H endorsement must select a training provider from the public list on the Training Provider Registry website.

Driver File Record Retention

Driver Qualifications CFR 391

Regulation	Document	Retention Period
391.51 (c)	Complete driver qualification file	3 years after date of termination
391.51 (d)	Driver Applications	3 years after date of termination
391.51 (d) 4	Medical Certificate and long form	3 years from date of execution
391.51 (d) 2	Annual Review	3 years from date of execution
391.51 (d) 3	Certification of violations	3 years from date of execution
391.51 (d) 5	Physical waiver	3 years from date of execution
391.51 (d) 1	Annual motor vehicle record (MVR)	3 years from date of execution
391.23 (a) 1	Initial MVR at time of hire	3 years after date of termination

For additional record retention items see Form 4-12

Physical Qualifications

391.41

A person shall not drive a commercial motor vehicle unless he/she is physically qualified to do so and has on his/her person the original, or a photographic copy, of a medical examiner's certificate that he/she is physically qualified to drive a commercial motor vehicle. The physical qualification regulations apply to all drivers operating commercial motor vehicles greater than 10,000 lbs GVWR. The commercial driver must be medically certified by a medical professional at a minimum once every two years. A long form physical will be completed by the professional along with a medical certification.

Effective May 21, 2014, each medical examination required of a commercial motor vehicle driver must be conducted by a medical examiner who is listed on the National Registry of Certified Medical Examiners. The National Registry of Certified Medical Examiners regulation CFR 391.42 established training, testing and certification standards for medical examiners (self-reporting); intent is to promote uniformity of exams nationwide. Carriers may not use driver unless examined by certified examiner as of May 21, 2014 To find a medical examiner who is registered go to the National Registry website: <https://nationalregistry.fmcsa.dot.gov/home>

Hypertension (high blood pressure) continues to affect a growing percentage of the driving force. Hypertension, as defined by the regulations, is classified in three stages depending on the systolic and diastolic blood pressure readings taken of the driver.

Stage #1 systolic 159-140 and diastolic 99-90. A driver with this condition may be certified for one year. Upon recertification, if the driver's blood pressure is equal to or less than 140/90, the driver is certified for one additional year; however, if the driver's blood pressure is greater than 140/90 and less than 160/100 at re-certification, the driver is issued a one-time, 3-month certificate.

Stage #2 systolic 179-160 and diastolic 109-100. A driver with this condition must be treated and given a one-time 3-month certificate. Once the driver has reduced the blood pressure to 140/90 or less, a 1-year certificate is issued and re-certified annually.

Stage #3 systolic equal to or greater than 180 and diastolic equal to or greater than 110. A driver with this condition cannot be certified until their blood pressure has been reduced to 140/90 or less. The driver is then re-certified every 6 months.

It should be noted that once a driver has been diagnosed with hypertension, the re-certification for stage 1 and 2 will continue to be annually and the re-certification for stage 3 will be every 6 months. The regulations as outlined in 391.43 specifically state that if a driver has hypertension and /or is being medicated for hypertension, he or she should be re-certified more frequently. *See Form 4-7.*

https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/MedicalExaminationReportForm_091616_MCSA_5875.pdf

To receive an answer to a question that you may have regarding the physical qualification of a commercial driver, email your question to the FMCSA at: fmcsamedical@dot.gov

For information regarding physical waivers for commercial drivers contact the FMCSA at: 703-448-3094

Driver File Checklist

A driver file checklist is not a regulation requirement, but is a good way to ensure compliance with the regulations. You can keep the checklist manually or electronically. Expand the checklist to meet your requirements. *See Form 4-2.*

Past Employment Inquiries

CFR 391.23

Past employment inquiries are required by regulation to be conducted with a good faith effort into all past employers of an applicant for three years prior to the date of application. In addition, an investigation into the safety performance of the driver also is to be completed for all DOT regulated past employers in the previous three years. The past employment inquiry form 4-4 can be used to document the inquiries. Not only is the past employment inquiry required by regulation, it is a good protection of the liability of the motor carrier from negligent hiring and entrustment. With the litigious society in which we live, carriers fall by not documenting the information that they did or did not receive from a past employer. As a past employer, you are required by FMCSA, to provide past employment information to another carrier upon request. Before an inquiry is completed, a release should be obtained from the driver applicant to protect the carriers involved. Although the inquiries are to be completed within 30 days of employment, it is recommended as a good business practice to complete the inquiries and review the information before a hiring decision is made. *See Form 4-3.*

The FMCSA Pre-employment Screening Program (PSP) for Carriers and Drivers

This program helps motor carriers make more informed hiring decisions by providing electronic access to a driver's crash and inspection history from the FMCSA Motor Carrier Management Information System (MCMIS). PSP records are now available for motor carriers and commercial drivers.

The PSP is a screening tool that allows motor carriers and individual drivers to purchase driving records from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). It is not mandatory for a motor carrier to obtain the PSP information for drivers upon hire or thereafter.

This is a voluntary program made available to motor carriers by the FMCSA to assist them in placing qualified drivers in the vehicles. Records are available for 24 hours a day via the following link.

<http://www.psp.fmcsa.dot.gov>

Prospective employers aren't the only ones who have access to this data, though - drivers are able to see their own records as well. There's no registration or subscription fee for individual drivers, but

there is a \$10 charge to retrieve their PSP record. To access your PSP, go to <http://www.psp.fmcsa.dot.gov>. This site also includes a list of frequently asked questions. Prior to accessing a driver's PSP record, you must complete a PSP driver release form for each record requested. PSP provides the release form on their website.

Drivers are encouraged to look at their records to ensure accuracy. Incorrect information can be challenged through the FMCSA's DataQs system: <https://dataqs.fmcsa.dot.gov/Default.aspx?enc=4orUr4VSakAlYsjxOmHrCeQ158lknHedB20QvqZJtcw=.>

Pre-Employment Drug Test

For CDL drivers, the qualification process is not complete until a pre-employment drug screen is completed and the results are known by the employer. A driver can be hired but cannot complete any safety sensitive operations such as driving, loading, unloading etc. until the results are received. Refer to chapter 5 on drug and alcohol testing.

Frequently Asked Questions Regarding Driver Qualification

What do the regulations say about my driver who has a current medical certificate but has developed a medical condition that would make the operation of a commercial motor vehicle (CMV) questionable and possibly unsafe?

Answer: FMCSA regulations prohibit a driver from beginning or continuing to drive if their ability and/or alertness is impaired by: fatigue, illness, or any cause that makes it unsafe to begin (or continue) to drive a commercial vehicle.

Even if a driver currently has a valid medical certificate, the driver is prohibited from driving a CMV with any medical condition that would be disqualifying or may interfere with the safe operation of a CMV. Once a disqualifying medical condition is resolved, and before resuming operation of CMV, a driver is responsible for obtaining re-certification from a Medical Examiner. FMCSA CFR 391.45

Is sleep apnea disqualifying for a Commercial Driver?

Answer: Drivers should be disqualified until the diagnosis of sleep apnea has been ruled out or has been treated successfully. As a condition of continuing qualification, it is recommended that a CMV driver agree to continue uninterrupted therapy such as CPAP, etc. / monitoring and undergo objective testing, as required.

A driver with a diagnosis of (probable) sleep apnea or a driver who has EDS should be temporarily disqualified until the condition is either ruled out by objective testing or successfully treated.

With technology changing at a rapid pace, may records required by the Federal Motor Carrier Safety Regulations be maintained in an electronic format?

Answer: Yes, provided the motor carrier can produce the information required by the regulations. Documents requiring a signature must be capable of replication (i.e., photocopy, facsimile, etc.) in such form that will provide an opportunity for signature verification upon demand. If computer records are used, all of the relevant data on the original documents must be included in order for the record to be valid.

I am using a driver leasing company. Who is responsible for the compliance with the Federal Motor Carrier regulations?

Answer: Driver services and driver leasing companies are not motor carriers and are not responsible for compliance with the regulations. The driver service or leasing company may complete activities such as driver qualification files, annual reviews, road tests, etc. at the direction of the motor carrier. However, keep in mind that you the motor carrier are responsible for any non-compliance with the FMCSA regulations.

Application for Employment

Company _____ Street Address _____

City, State, and Zip Code _____

Name _____
First, Middle, Last

Address _____
Street City ST Zip

Date of Birth ____/____/____ **Social Security No.** ____-____-____

Address(es) for the past three years

1.	Street	City	ST	Zip	How Long?
2.	Street	City	ST	Zip	How Long?
3.	Street	City	ST	Zip	How Long?

EXPERIENCE & QUALIFICATIONS—DRIVER (Attach sheet if more space is needed)

LICENSE

Driver Licenses	State	License No.	Type	Expiration Date

A. Have you ever been denied a license, permit, or privilege to operate a motor vehicle? ☐ Yes ☐ No

B. Has any license, permit, or privilege every been suspended or revoked? ☐ Yes ☐ No

If the answer to either A or B is yes, attach a statement giving details.

DRIVING EXPERIENCE

Class of Equipment	Type of Equipment (Van, Tank, Flat, Etc.)	From	To	Approximate Number of Miles (Total)
Straight Truck				
Tractor and Semi-Trailer				
Tractor and Two Trailers				
Other				

ACCIDENT RECORD FOR PAST 3 YEARS OR MORE

Dates	Nature of Accident (Rear-end, Upset, Etc.)	Fatalities	Injuries

TRAFFIC CONVICTIONS FOR PAST 3 YEARS (OTHER THAN PARKING VIOLATIONS)

Location	Date	Charge	Penalty

EMPLOYMENT RECORD (Attach sheet if more space is needed)

Note: Show ALL employment for the past three years and all Commercial Driving Experience for the past 10 years.

Last Employer: Name _____

Address _____

Position Held _____ From _____ to _____ Salary _____

Reason(s) for leaving _____

Subject to FMCSR's? ☐Y ☐N Subject to drug/alcohol testing requirements per 49 CFR Part 40? ☐Y ☐N

Second Last Employer: Name _____

Address _____

Position Held _____ From _____ to _____ Salary _____

Reason(s) for leaving _____

Subject to FMCSR's? ☐Y ☐N Subject to drug/alcohol testing requirements per 49 CFR Part 40? ☐Y ☐N

Third Last Employer: Name _____

Address _____

Position Held _____ From _____ to _____ Salary _____

Reason(s) for leaving _____

Subject to FMCSR's? ☐Y ☐N Subject to drug/alcohol testing requirements per 49 CFR Part 40? ☐Y ☐N

Fourth Last Employer: Name _____

Address _____

Position Held _____ From _____ to _____ Salary _____

Reason(s) for leaving _____

Subject to FMCSR's? ☐Y ☐N Subject to drug/alcohol testing requirements per 49 CFR Part 40? ☐Y ☐N

As a prospective employer, we must ask any applicant for a driving position with our company whether he/she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the applicant applied for, but did not obtain, "safety-sensitive transportation work" (driving a commercial motor vehicle) during the past two years.

☐ **Yes**, I have tested positive for drugs/alcohol, or refused to take a pre-employment drug/alcohol test in the two years preceding the date of this application.

☐ **No**, I have not tested positive for drugs/alcohol, or refused to take a pre-employment drug/alcohol test in the two years preceding the date of this application.

DOT regulations prohibit our utilizing you to perform a "safety-sensitive function" (driving a commercial motor vehicle) if you had a positive test, or a refusal to test, until and unless you provide documents showing successful completion of the return-to-duty process in accordance with DOT regulations.

To be read and signed by Applicant

THIS CERTIFIES THAT THIS APPLICATION WAS COMPLETED BY ME, AND THAT ALL ENTRIES ON IT AND INFORMATION IN IT ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Today's Date: _____ Applicant's Signature: _____

Note: A motor carrier may require an applicant to provide information in addition to the information required by the Federal Motor Carrier Safety Regulations.



Driver Qualification File Checklist

Driver's Name _____ Date Hired _____

1. Application:

- A. Company's current full name and address appears on application..... ☐
- B. Fully completed..... ☐
- C. Driver's license information on app. (may not hold more than 1 state license)..... ☐
- D. Application is signed and dated..... ☐
- E. CMV Driver Applicant Form 4-13 signed and dated ☐

2. Road Test* (documented, signed, and dated) ☐

** Although a current CDL can be used in place of the road test,
administering a road test is still highly recommended.*

3. Certificate of Road Test..... ☐

4. References

- A. All past employers for the previous three years..... ☐
- B. All employers in the past three years for positive drug screen results,
alcohol tests 0.04 or greater, or refusals to test..... ☐

5. Motor Vehicle Record - (State) _____..... ☐

6. Certificate of Compliance (*not required, but recommended*)..... ☐

7. Long Form Physical

- A. Fully completed and signed..... ☐
- B. Blood pressure 140/90 or less (or may need further periodic tests) ☐
- C. Urine negative for albumin and sugar (or may need further periodic tests) ☐
- D. Examining physician's number, and expiration date shown..... ☐

8. Copy of Medical Examiner's Certificate ☐

9. License Information or copy of license

- A. Check expiration date ☐
- B. Check Classification, Endorsements and Restrictions ☐

10. 7 Day Prior (Log Sheet) ☐

11. Pre-Employment Drug Test (applies to CDL drivers only, results must be received before driver dispatched)..... ☐

12. Hazardous Materials Training (HM 126, HM 181) completed if applicable..... ☐

Past Employment Reference

Company Contact: _____ Phone: _____

Date Contacted: ____/____/____ Contact Person: _____ Position: _____

① Verification: _____'s application indicates that he/she was
Applicant's Name

employed as _____ at your company from _____ to _____.
Job Description

If the information provided is correct, check N/A, or if incorrect, supply correct dates in space provided.

☐ N/A _____

② Equipment Operated: ☐ Tractor/Trailer Type of Trailer: ☐ Van ☐ Tank
☐ Straight Truck ☐ Reefer ☐ Flatbed
☐ Other _____ ☐ Other _____

③ Commodities Hauled: _____

④ Areas of Operation: ☐ New England ☐ Midwest ☐ Canada
☐ North East ☐ North West ☐ Mexico
☐ South East ☐ South West ☐ Other: _____

⑤ Accidents (please list any the driver was involved in):

Date	Type	Location	Prev./Non-Prev.	Injury	Fatal	Cost
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

⑥ Citations:

Date	Type	State	DUI	Suspension	Other
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

⑦ Qualification:

Was this driver physically qualified? ☐ Yes ☐ No

Was this driver ever disqualified? ☐ Yes ☐ No *If Yes, Reason:* _____

⑧ General:

Any other violations or company infractions? _____

Would you rehire this driver? ☐ Yes ☐ No

Operator's License #: _____ State: _____

⑨ Previous employers from your records:

Driver's Road Test Examination

Driver's Name _____ Phone _____

Driver's Address _____

City _____ State _____ Zip Code _____

The road test shall be given by the motor carrier or a person designated by the carrier. However, a driver who is also a motor carrier must be given the test by another individual. The test shall be given by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he or she is capable of operating the vehicle and associated equipment that the motor carrier intends to assign to the driver.

Rating of Performance

- _____ The pre-trip inspection (as required by Sec. 392.7)
- _____ Coupling and uncoupling of combination units, if the equipment driven may include combination units.
- _____ Placing the equipment in operation.
- _____ Use of the vehicle's controls and emergency equipment.
- _____ Operating the vehicle in traffic and while passing other vehicles.
- _____ Turning the vehicle.
- _____ Braking and slowing the vehicle by means other than braking.
- _____ Backing and parking the vehicle.
- _____ Other, Explain: _____

Type of Equipment Used in Giving the Test: _____

Date: ____ / ____ / ____ Examiner's Signature: _____

If the road test is successfully completed, the examiner shall complete a certificate of driver's road test.

Remarks: _____

<h2>Certificate of Road Test</h2>

Driver's Name: _____

Social Security No.: _____

Driver's License or CDL No.: _____

State: _____

Type of Power Unit: _____

Type of Trailer(s): _____

*This is to certify that the above-named driver was
given a road test under my supervision on
_____, 20____, consisting of
approximately _____ miles of driving.*

*It is my considered opinion that this driver possesses
sufficient driving skill to operate safely the type of
commercial motor vehicle listed above.*

Signature of Examiner

Title

Organization & Address of Examiner

Public Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0006. Public reporting for this collection of information is estimated to be approximately 25 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-RRA, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.



U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

Medical Examination Report Form

(for Commercial Driver Medical Certification)

MEDICAL RECORD #

 (or sticker)

SECTION 1. Driver Information (to be filled out by the driver)

PERSONAL INFORMATION

Last Name: _____ First Name: _____ Middle Initial: _____ Date of Birth: _____ Age: _____

 Street Address: _____ City: _____ State/Province: ☐ Zip Code: _____

 Driver's License Number: _____ Issuing State/Province: ☐ Phone: _____

 E-Mail (optional): _____ CLP/CDL Applicant/Holder*: ☐ Yes ☐ No

Driver ID Verified By**: _____

 Has your USDOT/FMCSA medical certificate ever been denied or issued for less than 2 years? ☐ Yes ☐ No ☐ Not Sure

*CLP/CDL Applicant/Holder: See instructions for definitions.

**Driver ID Verified By: Record what type of photo ID was used to verify the identity of the driver, e.g., CDL, driver's license, passport.

DRIVER HEALTH HISTORY

Have you ever had surgery? If "yes," please list and explain below.

☐ Yes ☐ No ☐ Not Sure

 Are you currently taking medications (prescription, over-the-counter, herbal remedies, diet supplements)?
If "yes," please describe below.

☐ Yes ☐ No ☐ Not Sure

(Attach additional sheets if necessary)

This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information appropriately to prevent inadvertent disclosure by keeping the documents under the control of authorized persons. Properly dispose of this document when no longer required to be maintained by regulatory requirements.

Last Name: _____ First Name: _____ DOB: _____ Exam Date: _____

DRIVER HEALTH HISTORY *(continued)*

Do you have or have you ever had:	Not				Not		
	Yes	No	Sure		Yes	No	Sure
1. Head/brain injuries or illnesses (e.g., concussion)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	16. Dizziness, headaches, numbness, tingling, or memory loss	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Seizures/epilepsy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	17. Unexplained weight loss	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Eye problems (except glasses or contacts)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	18. Stroke, mini-stroke (TIA), paralysis, or weakness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Ear and/or hearing problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	19. Missing or limited use of arm, hand, finger, leg, foot, toe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Heart disease, heart attack, bypass, or other heart problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	20. Neck or back problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Pacemaker, stents, implantable devices, or other heart procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	21. Bone, muscle, joint, or nerve problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. High blood pressure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	22. Blood clots or bleeding problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. High cholesterol	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	23. Cancer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Chronic (long-term) cough, shortness of breath, or other breathing problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	24. Chronic (long-term) infection or other chronic diseases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Lung disease (e.g., asthma)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	25. Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Kidney problems, kidney stones, or pain/problems with urination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	26. Have you ever had a sleep test (e.g., sleep apnea)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Stomach, liver, or digestive problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	27. Have you ever spent a night in the hospital?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. Diabetes or blood sugar problems Insulin used	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	28. Have you ever had a broken bone?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Anxiety, depression, nervousness, other mental health problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	29. Have you ever used or do you now use tobacco?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Fainting or passing out	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	30. Do you currently drink alcohol?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
				31. Have you used an illegal substance within the past two years?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
				32. Have you ever failed a drug test or been dependent on an illegal substance?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other health condition(s) not described above:

☐ Yes ☐ No ☐ Not Sure

Did you answer "yes" to any of questions 1-32? If so, please comment further on those health conditions below:

☐ Yes ☐ No ☐ Not Sure
*(Attach additional sheets if necessary)***CMV DRIVER'S SIGNATURE**

I certify that the above information is accurate and complete. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate, that submission of fraudulent or intentionally false information is a violation of [49 CFR 390.35](#), and that submission of fraudulent or intentionally false information may subject me to civil or criminal penalties under [49 CFR 390.37](#) and [49 CFR 386](#) Appendices A and B.

Driver's Signature: _____ Date: _____

SECTION 2. Examination Report *(to be filled out by the medical examiner)***DRIVER HEALTH HISTORY REVIEW**

Review and discuss pertinent driver answers and any available medical records. Comment on the driver's responses to the "health history" questions that may affect the driver's safe operation of a commercial motor vehicle (CMV).

(Attach additional sheets if necessary)

Last Name: _____ First Name: _____ DOB: _____ Exam Date: _____

TESTING
 Pulse Rate: _____ Pulse rhythm regular: ☐ Yes ☐ No

Height: _____ feet _____ inches Weight: _____ pounds

Blood Pressure Systolic Diastolic

Sitting		
Second reading (optional)		

Urinalysis Sp. Gr. Protein Blood Sugar

 Urinalysis is required.
Numerical readings
must be recorded.

Other testing if indicated

Protein, blood, or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.

Vision

Standard is at least 20/40 acuity (Snellen) in each eye with or without correction. At least 70° field of vision in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

Acuity Uncorrected Corrected Horizontal Field of Vision

Right Eye: 20/____ 20/____ Right Eye: _____ degrees

Left Eye: 20/____ 20/____ Left Eye: _____ degrees

Both Eyes: 20/____ 20/____ Yes No

 Applicant can recognize and distinguish among traffic control signals and devices showing red, green, and amber colors ☐ Yes ☐ No

 Monocular vision ☐ Yes ☐ No

 Referred to ophthalmologist or optometrist? ☐ Yes ☐ No

 Received documentation from ophthalmologist or optometrist? ☐ Yes ☐ No
Hearing
 Standard: Must first perceive whispered voice at not less than 5 feet **OR** average hearing loss of less than or equal to 40 dB, in better ear (with or without hearing aid).

 Check if hearing aid used for test: ☐ Right Ear ☐ Left Ear ☐ Neither
Whisper Test Results

Record distance (in feet) from driver at which a forced whispered voice can first be heard

OR

Audiometric Test Results

Right Ear: Left Ear:

500 Hz 1000 Hz 2000 Hz 500 Hz 1000 Hz 2000 Hz

Average (right): _____ Average (left): _____

PHYSICAL EXAMINATION

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen, or is readily amenable to treatment. Even if a condition does not disqualify a driver, the Medical Examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible, particularly if neglecting the condition could result in a more serious illness that might affect driving.

Check the body systems for abnormalities.

Body System

1. General

2. Skin

3. Eyes

4. Ears

5. Mouth/throat

6. Cardiovascular

7. Lungs/chest

Normal Abnormal

☐ ☐
☐ ☐
☐ ☐
☐ ☐
☐ ☐
☐ ☐
☐ ☐
Body System

8. Abdomen

9. Genito-urinary system including hernias

10. Back/spine

11. Extremities/joints

12. Neurological system including reflexes

13. Gait

14. Vascular system

Normal Abnormal

☐ ☐
☐ ☐
☐ ☐
☐ ☐
☐ ☐
☐ ☐
☐ ☐

Discuss any abnormal answers in detail in the space below and indicate whether it would affect the driver's ability to operate a CMV. Enter applicable item number before each comment.

(Attach additional sheets if necessary)

Last Name: _____ First Name: _____ DOB: _____ Exam Date: _____

Please complete only one of the following (Federal or State) Medical Examiner Determination sections:

MEDICAL EXAMINER DETERMINATION (Federal)

Use this section for examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49):

- ☐ Does not meet standards (specify reason): _____
- ☐ Meets standards in 49 CFR 391.41; qualifies for 2-year certificate
- ☐ Meets standards, but periodic monitoring required (specify reason): _____
- Driver qualified for: ☐ 3 months ☐ 6 months ☐ 1 year ☐ other (specify): _____
- ☐ Wearing corrective lenses ☐ Wearing hearing aid ☐ Accompanied by a waiver/exemption (specify type): _____
- ☐ Accompanied by a Skill Performance Evaluation (SPE) Certificate ☐ Qualified by operation of 49 CFR 391.64 (Federal)
- ☐ Driving within an exempt intracity zone (see 49 CFR 391.62) (Federal)
- ☐ Determination pending (specify reason): _____
- ☐ Return to medical exam office for follow-up on (must be 45 days or less): _____
- ☐ Medical Examination Report amended (specify reason): _____
- (if amended) Medical Examiner's Signature: _____ Date: _____
- ☐ Incomplete examination (specify reason): _____

If the driver meets the standards outlined in 49 CFR 391.41, then complete a Medical Examiner's Certificate as stated in 49 CFR 391.43(h), as appropriate.

I have performed this evaluation for certification. I have personally reviewed all available records and recorded information pertaining to this evaluation, and attest that, to the best of my knowledge, I believe it to be true and correct.

Medical Examiner's Signature: _____

Medical Examiner's Name (please print or type): _____

Medical Examiner's Address: _____ City: _____ State: ☐ Zip Code: _____

Medical Examiner's Telephone Number: _____ Date Certificate Signed: _____

Medical Examiner's State License, Certificate, or Registration Number: _____ Issuing State: ☐

☐ MD ☐ DO ☐ Physician Assistant ☐ Chiropractor ☐ Advanced Practice Nurse

☐ Other Practitioner (specify): _____

National Registry Number: _____

Medical Examiner's Certificate Expiration Date: _____

Last Name: _____ First Name: _____ DOB: _____ Exam Date: _____

MEDICAL EXAMINER DETERMINATION (State)

Use this section for examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations):

- ☐ Does not meet standards in 49 CFR 391.41 with any applicable State variances (specify reason): _____
- ☐ Meets standards in 49 CFR 391.41 with any applicable State variances
- ☐ Meets standards, but periodic monitoring required (specify reason): _____
- Driver qualified for: ☐ 3 months ☐ 6 months ☐ 1 year ☐ other (specify): _____
- ☐ Wearing corrective lenses ☐ Wearing hearing aid ☐ Accompanied by a waiver/exemption (specify type): _____
- ☐ Accompanied by a Skill Performance Evaluation (SPE) Certificate ☐ Grandfathered from State requirements (State)

If the driver meets the standards outlined in 49 CFR 391.41, with applicable State variances, then complete a Medical Examiner's Certificate, as appropriate.

I have performed this evaluation for certification. I have personally reviewed all available records and recorded information pertaining to this evaluation, and attest that, to the best of my knowledge, I believe it to be true and correct.

Medical Examiner's Signature: _____

Medical Examiner's Name (please print or type): _____

Medical Examiner's Address: _____ City: _____ State:  Zip Code: _____

Medical Examiner's Telephone Number: _____ Date Certificate Signed: _____

Medical Examiner's State License, Certificate, or Registration Number: _____ Issuing State: 

☐ MD ☐ DO ☐ Physician Assistant ☐ Chiropractor ☐ Advanced Practice Nurse

☐ Other Practitioner (specify): _____

National Registry Number: _____

Medical Examiner's Certificate Expiration Date: 

Public Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0006. Public reporting for this collection of information is estimated to be approximately one minute per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-RRR, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.



U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

Medical Examiner's Certificate

(for Commercial Driver Medical Certification)

I certify that I have examined **Last Name:** _____

First Name: _____

in accordance with *(please check only one)*:

- ☐ the Federal Motor Carrier Safety Regulations (49 CFR 391.41–391.49) and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when *(check all that apply)* **OR**
☐ the Federal Motor Carrier Safety Regulations (49 CFR 391.41–391.49) with any applicable State variances (which will only be valid for intrastate operations), and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when *(check all that apply)*:

- ☐ Wearing corrective lenses
☐ Wearing hearing aid

- ☐ Accompanied by a _____
☐ Accompanied by a Skill Performance Evaluation (SPE) Certificate

- ☐ waiver/exemption
☐ Grandfathered from State requirements *(State)*

- ☐ Driving within an exempt intracity zone (49 CFR 391.62) *(Federal)*
☐ Qualified by operation of 49 CFR 391.64 *(Federal)*

Medical Examiner's Certificate Expiration Date

The information I have provided regarding this physical examination is true and complete. A complete Medical Examination Report Form, MCSA-5875, with any attachments, embodies my findings completely and correctly, and is on file in my office.

Medical Examiner's Signature

Medical Examiner's Telephone Number

Date Certificate Signed

Medical Examiner's Name *(please print or type)* _____

- ☐ MD ☐ Physician Assistant ☐ Advanced Practice Nurse
☐ DO ☐ Chiropractor ☐ Other Practitioner *(specify)* _____

Medical Examiner's State License, Certificate, or Registration Number _____

Issuing State _____

National Registry Number _____

Driver's Signature

Driver's License Number

Issuing State/Province

Driver's Address

Street Address: _____

City: _____

State/Province: _____

Zip Code: _____

CLP/CDL Applicant/Holder

☐ Yes ☐ No

Annual Review

II. ANNUAL REVIEW and Evaluation of Driver's Record

In accordance with Section 391.25, Motor Carrier Safety Regulations, all information pertinent to the above driver's safety of operations, including the list of violations furnished by him in accordance with Section 391.25 has been reviewed for the past twelve months.

Action Taken: _____

Motor Carrier's Name	Motor Carrier's Address
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Reviewer's Signature	Title	Date
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Notification of Traffic Violation

The Commercial Motor Vehicle Safety Act of 1986 requires that commercial drivers notify their employer and the state that issued their license of all moving violations, including those committed in a personal vehicle, for which the driver forfeited collateral or was convicted, within thirty days after conviction.

The following information is being provided by the below named driver to comply with the traffic violation notification requirements of the Act.

Driver's Full Name _____

Driver's Address _____

City _____ State _____ Zip _____ ()
Phone Number _____

Driver's License Number _____ State _____

Date of Violation _____ Citation Number _____

Vehicle Operated (check one):

Personal _____ Commercial (26,001 or more) _____

Other _____ Please Describe _____

Location of Offense (City/Town/County) _____ State _____

Nature of Violation _____

Disposition of Case (bail forfeiture, conviction with fine, loss of license, et cetera)

Date of Conviction: ____/____/____

Driver's Signature: _____ Today's Date: ____/____/____

Certificate of Compliance

I. Notice to Drivers

The Commercial Motor Vehicle Safety Act of 1986 provides for a new set of controls over the drivers of commercial vehicles. The new law applies to all drivers operating vehicles and combinations with a Gross Vehicle Weight Rating over 26,000 pounds, and to any vehicle, regardless of weight, transporting hazardous materials.

The following provisions of this legislation became effective July 1, 1987:

1. No driver may possess more than one license, and no motor carrier may use a driver having more than one license. A limited exception is made for drivers who are subject to non-resident licensing requirements of any state. This exception does not apply after December 31, 1989.
2. A driver convicted of a traffic violation (other than parking) must notify the motor carrier AND the state which issued the license to that driver of such conviction within 30 days.
3. Any person applying for a job as a commercial vehicle driver must inform the prospective employer of all previous employment as the driver of a commercial vehicle for the past 10 years in addition to any other required information about the applicant's employment history.
4. Any violation is punishable by a fine not to exceed \$2,500. In addition, the Federal Motor Carrier Safety Regulations now require that a driver who loses any privilege to operate a commercial vehicle or who is disqualified from operating a commercial vehicle, must advise the motor carrier the next business day after receiving notification of such action.

II. Certification by Driver

I hereby certify that I have read and understand the driver provisions of the Commercial Motor Vehicle Safety Act of 1986, which is effective July 1, 1987.

Driver's Name (print) _____ Soc. Sec. # _____

Driver's Address _____

License: State _____ Type/Class _____ ID # _____

I further certify that the above commercial vehicle license is the only one held or that I have surrendered the following licenses to the state indicated:

State _____ Type/Class _____ ID # _____

State _____ Type/Class _____ ID # _____

Driver's Signature _____ Date _____

MULTIPLE-EMPLOYER DRIVERS

Instructions: If a motor carrier employs a person as a multiple-employer driver (as defined in 49 CFR 390.5), the motor carrier shall comply with all requirements of Part 391, except the carrier need not:

- (1) Require the person to furnish an application for employment (391.21);
- (2) Make an inquiry into the person's driving record during the preceding three years to the appropriate State agency(s) and an investigation of the person's employment record during the preceding three years (391.23);
- (3) Perform annual review of the person's driving record (391.25); or
- (4) Require the person to furnish a record of violations or a certificate (391.27).

The checklist below may be helpful to ensure that required documents are obtained.

DRIVER QUALIFICATION FILE CHECKLIST

Name _____

Social Security Number _____

Driver's License Number _____

Type of License _____ State _____

In addition to the above information, copies of the following must be obtained.

- ☐ Medical Examiner's Certificate
- ☐ Road Test (or equivalent)
- ☐ Certificate of Road Test
- ☐ Controlled Substances Test

FMCSA RECORD RETENTION LISTING

Driver Qualifications CFR 391.

Regulation	Document	Retention Period
391.51 (c)	Complete driver qualification file	3 years after date of termination
391.51 (d)	Driver Applications	3 years after date of termination
391.51 (d) 4	Medical Certificate and long form	3 years from date of execution
391.51 (d) 2	Annual Review	3 years from date of execution
391.51 (d) 3	Certification of violations	3 years from date of execution
391.51 (d) 5	Physical waiver	3 years from date of execution
391.51 (d) 1	Annual motor vehicle record (MVR)	3 years from date of execution
391.23 (a) 1	Initial MVR at time of hire	3 years after date of termination

Drug and Alcohol testing Records CFR 382

382.401 (b)(1)(i)	Records of Alcohol tests with .02 or greater result	5 years
382.401 (b)(1)(ii)	Records of driver verified positive controlled substance test results	5 years
382.401 (b)(1)(iii)	Documentation of refusals to take required alcohol and/or drug test	5 years
382.401 (b)(1)(iv)	Driver evaluations and referrals	5 years
382.401 (b)(1)(v)	Calibration documentation to testing devices	5 years
382.401 (b)(1)(vi)	Administrative records of the Alcohol controlled substance testing programs	5 years
382.401 (b)(1)(vii)	A copy of each annual calendar year summary required by 382.403(only those carriers selected)	5 years
382.401(2)	Records relating to the alcohol and controlled substances collection process	2 years
383.401(3)	Record of negative and cancelled controlled substance results and alcohol tests with a concentration of less than .02	1 year
382.401(4)	Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for *2 years after ceasing to perform these functions	Indefinite*
382.703	Clearinghouse record of driver's limited consent	3 years

Hours of Service Documentation CFR 395

395.8 (k)	Record of duty status and all supporting documents, and time records	6 months
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Accident Records CFR 390

390.15 (b)	Accident Register and Files	3 years after the date of each accident
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Inspection and Maintenance CFR 396

396.3 (c)	Maintenance files as required by 396.3 (b)	1 year plus 6 months after vehicle leaves carriers control.
396.9 (d)(3)(ii)	Copy of roadside inspections	12 months
396.11 (c)(2)	Driver vehicle inspection report	3 months
396.19 (b)	Annual inspector certification	During employment and 1 year thereafter
396.21(b)(1)	Periodic (Annual) inspection	14 months from the date of the inspection
396.25 (e)	Brake inspector certification	During employment and 1 year thereafter.

CMV Driver Applicant Notice

Federal Motor Carrier Safety Regulations require motor carriers to investigate the background (previous employment) experience and driving records of all driver applicants. These regulations also provide certain rights to applicants, primarily with regard to the accuracy of the information obtained through previous employers and other required investigation and inquiries, and the opportunity for you, the applicant, to correct any erroneous information. The rules are as follows:

§391.23 Investigation and inquiries.

(i)(1) The prospective employer must expressly notify drivers with Department of Transportation regulated employment during the preceding three years-via the application form or other written document prior to any hiring decision-that he or she has the following rights regarding the investigative information that will be provided to the prospective employer pursuant to paragraphs (d) and (e) of this section:

(i)(1)(i) The right to review information provided by previous employers;

(i)(1)(ii) The right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the prospective employer;

(i)(1)(iii) The right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and the driver cannot agree on the accuracy of the information.

(i)(2) Drivers who have previous Department of Transportation regulated employment history in the preceding three years, and wish to review previous employer-provided investigative information must submit a written request to the prospective employer, which may be done at any time, including when applying, or as late as 30 days after being employed or being notified of denial of employment. The prospective employer must provide this information to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information from the previous employer(s), then the five-business days deadline will begin when the prospective employer receives the requested safety performance history information. If the driver has not arranged to pick up or receive the requested records within thirty (30) days of the prospective employer making them available, the prospective motor carrier may consider the driver to have waived his/her request to review the records.

(j)(1) Drivers wishing to request correction of erroneous information in records received pursuant to paragraph (i) of this section must send the request for the correction to the previous employer that provided the records to the prospective employer.

(j)(2) After October 29, 2004, the previous employer must either correct and forward the information to the prospective motor carrier employer, or notify the driver within 15 days of receiving a driver's request to correct the data that it does not agree to correct the data. If the previous employer corrects and forwards the data as requested, that employer must also retain the corrected information as part of the driver's safety performance history record and provide it to subsequent prospective employers when requests for this information are received. If the previous employer corrects the data and forwards it to the prospective motor carrier employer, there is no need to notify the driver.

(j)(3) Drivers wishing to rebut information in records received pursuant to paragraph (i) of this section must send the rebuttal to the previous employer with instructions to include the rebuttal in that driver's safety performance history.

(j)(4) After October 29, 2004, within five business days of receiving a rebuttal from a driver, the previous employer must:

(j)(4)(i) Forward a copy of the rebuttal to the prospective motor carrier employer;

(j)(4)(ii) Append the rebuttal to the driver's information in the carrier's appropriate file, to be included as part of the response for any subsequent investigating prospective employers for the duration of the three-year data retention requirement.

(page 2 - CMV Driver Applicant Notice)

(j)(5) The driver may submit a rebuttal initially without a request for correction, or subsequent to a request for correction.

(j)(6) The driver may report failures of previous employers to correct information or include the driver's rebuttal as part of the safety performance information, to the FMCSA following procedures specified at §386.12.

(k)(1) The prospective motor carrier employer must use the information described in paragraphs (d) and (e) of this section only as part of deciding whether to hire the driver.

(k)(2) The prospective motor carrier employer, its agents and insurers must take all precautions reasonably necessary to protect the records from disclosure to any person not directly involved in deciding whether to hire the driver. The prospective motor carrier employer may not provide any alcohol or controlled substances information to the prospective motor carrier employer's insurer.

(l)(1) No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of information in accordance with this section may be brought against-

(l)(1)(i) A motor carrier investigating the information, described in paragraphs (d) and (e) of this section, of an individual under consideration for employment as a commercial motor vehicle driver,

(l)(1)(ii) A person who has provided such information; or

(l)(1)(iii) The agents or insurers of a person described in paragraph (l)(1)(i) or (ii) of this section, except insurers are not granted a limitation on liability for any alcohol and controlled substance information.

(l)(2) The protections in paragraph (l)(1) of this section do not apply to persons who knowingly furnish false information, or who are not in compliance with the procedures specified for these investigations.

I have read and understand the above regulations:

Driver applicant - Print Name

Driver applicant Signature

Date

Motor Carrier

Name of Motor Carrier Official

Signature of Motor Carrier Official

Date

Chapter 5

Controlled Substances and Alcohol Use and Testing

CFR 382 and Part 40

As discussed in Chapter One, the applicability of the regulation's requirements for Drug and Alcohol testing are determined by the definition of a CMV found in CFR 383.50. Drivers subject to this testing are also subject to the CDL requirements. Drug and Alcohol testing was first introduced into the regulations in 1989. The regulations have evolved over the past years and have become quite extensive for the motor carrier. The regulations in their entirety can be reviewed at <https://www.transportation.gov/odapc> and www.fmcsa.dot.gov. These regulations apply to all interstate and intrastate carriers uniformly.

Due to the complexity of the drug and alcohol testing regulations, the FMCSA and the DOT has outlined regulations for a third-party administrator to exist to provide services to motor carriers that are required. For motor carriers that contract with a third-party administrator, the FMCSA and DOT has shifted the responsibility for compliance with certain parts of the regulations to the third party administrator (i.e. Consortium).

Required Tests

Pre-Employment Testing

CFR 382.301

All applicants for employment on a permanent or temporary basis as CMV drivers who require a CDL, or current employees who wish to remain CDL drivers, must be given pre-employment tests for controlled substances. A pre-employment test is also required each time a driver returns to work after a layoff period when the driver has not been subjected to random controlled substances testing for more than 30 days or has been employed by another entity. Prior to placing a driver into a safety sensitive activity, the results of the pre-employment test must be received by the motor carrier. The pre-employment test requirement is for a drug test only. The regulations do outline pre-employment testing for alcohol; however, it is not mandatory. The regulations also have exceptions for pre-employment testing. However, you as a motor carrier are relying on another carrier for your compliance and incur liability exposure if the other carrier was non-compliant with their program. It is recommended that the exceptions not be utilized and that all new drivers be tested.

Reasonable Suspicion Testing

CFR 382.307

FMCSA regulations require testing of a driver if a trained supervisor has reasonable suspicion that the driver has used a controlled substance or has misused alcohol. A supervisor's decision to conduct a Reasonable Suspicion Test must be based on specific (an identifiable event/observation), contemporaneous (the event/observation and initiation of the test must be in the same time frame), articulable (must be able to clearly describe the event/observation) observations concerning the appearance, behavior, speech, or body odor of the driver. Reasonable Suspicion alcohol testing is permissible only if the supervisor's observations are made during, just preceding, or just after the driver is performing safety-sensitive functions or is attempting to perform safety-sensitive functions. A driver may be tested for controlled substances under reasonable suspicion based on observations at any time the driver is on duty. *See Form 5-1.*

Post-Accident Testing

CFR 382.303

The FMCSA regulations require testing in specific accidents that involve a CMV that requires a driver who holds a CDL. An accident (DOT reportable) is defined as an occurrence involving a CMV operating on a public road that results in:

A fatality; or

The driver was issued a citation in conjunction with the accident, and it involved either an injury that resulted in the immediate medical treatment of a participant away from the scene of the accident or one or more motor vehicles incurred disabling damage that required it to be transported away from the scene by a tow truck or other vehicle.

Post-accident tests are time sensitive and must be performed as soon as possible. Controlled substances tests must be performed within 32 hours following the accident. Alcohol tests should be performed within two hours and must be performed within 8 hours of the accident. If unable to conduct the alcohol test within 2 hours, a record will be maintained stating the reason a test was not promptly administered. If unable to conduct the alcohol test within the 8-hour period, no further attempts to administer the test will be undertaken and a record of the reasons the test was not administered will be maintained.

Drivers subject to post-accident testing shall remain readily available for such testing or they may be deemed to have refused to submit to testing. Drivers subject to post-accident testing must refrain from using alcohol for 8 hours following the accident or until completing a post-accident alcohol test, whichever comes first.

Random Testing

CFR 382.305

The FMCSA regulations require random testing for all drivers subject to the CDL requirements. Random testing identifies drivers who use controlled substances or misuse alcohol who might otherwise escape notice and avoid testing. The random testing is done on different dates and at different times to prevent drivers from coordinating their controlled substances and alcohol use to the random testing schedule. Random testing is the strongest deterrent to drivers' use of drugs and alcohol. The random testing percentages are 25% for drug and 10% for alcohol. These testing percentages apply no matter if you are administering your own program or are in a consortium with a third-party provider. All random tests are selected by a scientific method. Tests are required to be evenly spread throughout the calendar year in testing periods not to exceed 90 days. All drivers have the same chance of being selected each testing period. All tests in a period are required to be completed by the end of the test period. Once a driver is notified of a random test, they must immediately go to the testing facility. A random alcohol test can only be given to a driver just prior to or immediately after performing a safety sensitive activity such as driving.

Return-To-Duty Testing

CFR 382.309

If a motor carrier's policy allows an individual to return to work in a safety-sensitive function following certain prohibited conduct—a verified positive controlled substances test result, an alcohol result of 0.04 or greater, a refusal to submit to a test, or any other activity that violates provisions of the rule—that driver must first be evaluated by a Substance Abuse Professional (SAP), participate in any treatment program prescribed, and pass a controlled substances and/or alcohol Return-to-Duty Test. The driver must have a verified negative controlled substances test result or an alcohol test result of less than 0.02 to return to a safety-sensitive function.

Follow-up Testing

CFR 382.309

Once allowed to return to duty, a driver for whom treatment was recommended must be subject to unannounced follow-up testing for at least 12, but not more than 60, months. The frequency and duration of the follow-up testing will be recommended by the SAP if a minimum of six tests are performed during the first 12 months after the driver has returned to duty. Follow-up testing is separate from and in addition to the regular random testing program. Drivers subject to follow-up testing must remain in the standard random pool and must be tested when selected.

Testing Methods

The testing methods that can be used for FMCSA or DOT drug or alcohol tests are very specific and must be followed exactly for compliance. The only specimen that is approved for controlled substance testing is urine. For alcohol testing, the two types of specimens used for screening tests include "breath slug" and saliva. The "breath slug" is the only authorized specimen for use in a confirmatory test of a positive alcohol screen test.

Record Retention

382.401

An employer shall maintain all records related to the controlled substances and alcohol program in a secure location with limited access. Records will be made available within two business days to any authorized government personnel. The records shall be kept on file based on the following retention periods:

Five years: All records related to any violations of the controlled substances or alcohol standards described CFR 382.

Examples: positive test results, SAP evaluations.

Records related to the administration of the program.

Three years: Clearinghouse Driver's Limited Consent Form

Two years: Records related to the collection process.

One year: Negative and canceled test results.

Indefinite period: Training records.

Company Policy

382.601

Every motor carrier shall provide each driver with educational materials on controlled substances and alcohol that include, but are not limited to:

Which drivers are subject to the requirements, and who is responsible for providing information.

What behavior is prohibited and what constitutes a refusal to test.

The circumstances and time under which a driver will be tested, and the procedures involved.
What constitutes a safety sensitive function.

The consequences for drivers who have violated the testing requirements.

Information concerning the effects of alcohol misuse and controlled substances abuse on health, work, and personal life.

The signs and symptoms of alcohol or controlled substances problems.

Positive Tests

At the time an employee tests positive for a drug test and or alcohol test and is notified by the Medical Review Officer, the employee is medically disqualified to operate a CMV and needs to be removed immediately from performing any safety sensitive activities such as driving. This means that if you are notified of a positive test and the driver is away from the terminal facility the driver must be removed from operating the CMV. The employer's responsibility at this time is to provide a listing of Substance Abuse Professionals (SAP) in your area with contact names, addresses and phone numbers. To comply with the regulations, you need confirmation that the driver has received the SAP listing (certified mail) or signed receipt. By providing the SAP listing upon hire with signed receipt you also would be in compliance. Keep in mind that the regulations make no determination of the employment status of the driver who has tested positive. The positive driver is disqualified and must complete the "Return to Duty" and "Follow up" testing programs to be re-qualified.

Supervisor Training for Drug and Alcohol

CFR 382.603

Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under CFR 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required by regulation. The FMCSA has the supervisor training available in video format that can be downloaded from their website for FREE!

Go to:

<https://www.fmcsa.dot.gov/us-department-transportation-dot-drug-alcohol-supervisor-training-guidance>

Scroll to the bottom of the page and click on the last link:

<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/ReasonableSuspicion.aspx>

Once the supervisor has completed the two hours of training complete the training certificate and keep on file. see form 5-3

It will take a while to download due to the length of the video and depending on the quality you choose.

You can also check with your D&A Third Party Administrator to see if they provide the training.

Test Result Reporting

Currently, the FMCSA regulations do not require that positive tests be reported to the FMCSA or any federal agency when they occur.

In January of 2017, the FMCSA passed a Final Rule regarding a National Drug and Alcohol Clearinghouse for truck and bus drivers. The clearing house database will serve as a central repository containing records of violations of FMCSA Drug and Alcohol Testing Program by commercial drivers license (CDL) holders. The final rule went into effect January 2020.

However, states have enacted regulations that require an employer of a CDL employee who tests positive to report. WA and NC are states that require the reporting and take enforcement action with a CDL driver that has tested positive for drugs or alcohol under the FMCSA regulations and either suspends or revokes the license. TX, OR, AR and CA have varying requirements for reporting of positive tests and how the information is used.

Past Drug and Alcohol Inquiries

49 CFR Part 40.25

Driver Inquiry

Companies are required by regulation to ask Applicant/Driver whether he/she has tested positive or refused to test on any pre-employment alcohol or drug test administered by a company to which the Applicant/Driver applied but did not obtain safety sensitive transportation work covered by DOT agency alcohol and drug testing rules during the past two years. *See Form 5-2.*

Drug and Alcohol Clearinghouse

The Federal Motor Carrier Administration (FMCSA) established the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (Clearinghouse) in January 6, 2022. This new database contains information pertaining to violations of the U.S. Department of Transportation (DOT) controlled substances (drug) and alcohol testing program for holders of CDLs. The Clearinghouse rule requires FMCSA-regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), consortia/third party administrators (C/TPAs), and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in 49 Code of Federal Regulations, Parts 40 and 382 by current and prospective employees. The Clearinghouse regulations apply to both INTRAstate and INTERstate motor carriers.

The Clearinghouse final rule requires the following:

1. All companies employing CDL drivers operating commercial motor vehicles more than 26,000lbs must register in as a company in the Clearinghouse. To register online: <https://clearinghouse.fmcsa.dot.gov>
2. Employers must query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a commercial motor vehicle (CMV) on public roads.
3. Employers must annually query the Clearinghouse for each driver they currently employ.

The Clearinghouse provides FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before operating a CMV on public roads. Specifically, information maintained in the Clearinghouse enables employers to identify drivers who commit a drug or alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations). Records of drug and alcohol program violations will remain in the Clearinghouse for five years, or until the driver has completed the return-to-duty process, whichever is later.

For more information on the Clearinghouse, please visit <https://clearinghouse.fmcsa.dot.gov/>. How an employer requests your consent depends on the type of query the employer is conducting.

Required Queries:

FMCSA defines two types of queries:

- Limited, which checks for the presence of information in the queried driver's clearinghouse record and requires driver consent outside of the database (Form 5-4); and
- Full, which discloses to employers and designated C/TPAs detailed information about any resolved or unresolved violations in a driver's record and requires a driver clearinghouse account to provide the driver's consent via the portal.

Drivers are not required to register for the Clearinghouse. However, a driver will need to be registered to provide electronic consent in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver's Clearinghouse record—this includes all pre-employment queries. See 49 CFR 382.703(d).

Confidentiality of the Records

Each employer shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this chapter. The records shall be maintained in a secure location with controlled access.

Location:

Observed behavior — check all that apply:

PHYSICAL INDICATORS

- ☐ dilated pupils
- ☐ constricted pupils
- ☐ drowsiness
- ☐ cold sweats
- ☐ tremors
- ☐ excessive yawning
- ☐ rapid breathing
- ☐ dizziness
- ☐ chronic redness of eyes
- ☐ chronic nasal problems
- ☐ odor of marijuana
- ☐ odor of alcohol
- ☐ noticeable weight loss
- ☐ loss of appetite
- ☐ ravenous appetite
- ☐ unsteady walk, stumbling

BEHAVIORAL INDICATORS

- ☐ depression
- ☐ moodiness
- ☐ alienation
- ☐ combativeness
- ☐ panic reactions
- ☐ neglect of personal hygiene
- ☐ anxiety
- ☐ irritability
- ☐ agitation
- ☐ restlessness
- ☐ euphoria

SPEECH INDICATORS

- ☐ thick
- ☐ rapid
- ☐ slurred
- ☐ incoherent
- ☐ excessively talkative

PERFORMANCE INDICATORS

- ☐ unable to concentrate
- ☐ errors in judgement
- ☐ loss of interest in work
- ☐ impaired reasoning

Other abnormal behavior observed:

To the best of my knowledge and belief, this report represents the physical, behavioral, speech or performance indicators of the above-named employee, observed by me and upon which I base my decision to require said driver to submit to reasonable suspicion.

- ☐ drug testing ☐ alcohol testing ☐ both

Above behavior witnessed by: _____

Signature of supervisor or company official

Signature of supervisor or company official

date

date

Applicant/Driver Drug and Alcohol Inquiry

Required by Part 40.25.

49 CFR Part 40.25(j) requires Companies to ask Applicant/Driver whether he/she has tested positive or refused to test on any Pre-employment alcohol or drug test administered by a Company to which the Applicant/Driver applied but did not obtain safety sensitive transportation work covered by DOT agency alcohol and drug testing rules during the past two years.

Name _____

Date _____

Social Security Number _____

Applicant/Driver to answer Items listed below.

During the past two years have you tested positive on a Pre-employment alcohol or drug test administered by Companies to which you applied for but did not obtain a safety-sensitive transportation work covered by Department of Transportation (DOT) drug and alcohol testing rules?

YES _____ NO _____

During the past two years have you refused to test on a Pre-employment alcohol or drug test administered by a Company to which you applied for but did not obtain a safety-sensitive transportation work covered by the DOT drug and alcohol testing rules?

YES _____ NO _____

If you answered YES to either of the questions above, please provide documentation of your successful completion of the return-to-duty process required by Part 40 Subpart O.

Date _____ Name (printed) _____

Signature of Applicant/Driver _____

Witness _____

Record keeping requirements: If “yes” to either question is 5 year retention.

If “No” to either question-discard after employment terminates

Drug and Alcohol Supervisor Training Certificate

In accordance with CFR 382.603 of the Federal Motor Carrier Safety Regulations

Name: _____ has completed
60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled
substances use provided by the FMCSA on their website at:
Drug & Alcohol Program | FTA (dot.gov)

The training was completed on this date: _____

The training included the physical, behavioral, speech, and performance indicators of probable
alcohol misuse and use of controlled substances.

Driver Consent for Annual Limited Query

Company Name (Company):	
-------------------------	--

As stipulated in FMCSA rule §382.701 Drug and Alcohol Clearinghouse In lieu of a full query, an employer may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the individual driver in the Clearinghouse but will not release that information to the employer. The individual driver may give consent to conduct limited queries that is effective for more than one year.

If the limited query shows that information exists in the Clearinghouse about the individual driver, the employer must conduct a full query, within 24 hours of conducting the limited query. If the employer fails to conduct a full query within 24 hours, the employer must not allow the driver to continue to perform any safety-sensitive function until the employer conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions.

The driver needs to register in the Clearinghouse and provide consent in the Clearinghouse for a full query to be fulfilled. If the driver fails to register and consent for the full query, the employer must not allow the driver to continue to perform any safety-sensitive function until the employer is able to conduct the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions.

I hereby consent to the employer listed above to perform unlimited limited queries to the FMCSA Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about me exists in the Clearinghouse.

I understand that if the limited query conducted by the Company indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the Company without first obtaining additional specific consent.

I further understand that if I refuse to provide consent for (Company Name) to conduct a limited query of the Clearinghouse, (Company Name) must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

This consent is valid for a period of **five years** or until my employment with the company is terminated.

Driver Name:		
CDL # with State of Issue:		
Driver Signature:		Date:

Chapter 6

Accidents

CFR 390

Definition

The definition of an accident is very specific as determined by the FMCSA in CFR 390.5. The definition is used to determine whether an accident is considered “recordable” or not. An accident that does not meet the definition of the regulation is not considered to be an accident to the FMCSA.

Accident means an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicles to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

An occurrence involving only the loading or unloading of cargo.

If the occurrence does not involve one or more of the above, then it is not recognized as a recordable accident to the FMCSA. Keep in mind that the above definition includes all of the vehicles involved in the accident and is not based on preventability. Those accidents that occur on private property with public access are also considered “recordable” accidents.

Frequently Asked Questions Regarding Accidents

A person involved in an incident discovers that he or she is injured after leaving the scene of the incident and receives medical attention at that time. Does the incident meet the definition of accident in 49 CFR 390.5?

Answer: No. The incident does not meet the definition of accident in 49 CFR 390.5 because the person did not receive treatment immediately after the incident.

Accident Register

CFR 390.15

Motor carriers must maintain an accident register for a period of three years after the date of each accident. Information placed on the accident register must contain at least the following:

- Date of accident.
- City or town, or most near, where the accident occurred and the State where the accident occurred.
- Driver Name.
- Number of injuries.
- Number of fatalities.
- Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident, were released.

It is recommended that a motor carrier track and record all accidents and incidents regardless of severity. It is suggested that two accident registers be maintained annually. One register would be used for DOT recordable accidents and the other for non-recordable accidents and incidents.

See Form 6-1.

Accident Files

CFR 390.15

For all accidents that meet the definition in 390.5, the regulations require that an accident file be maintained for each incident with copies of all accident reports required by state or other governmental entities or insurers. These files are to be maintained for three years.

Accident Reports

Most states require an accident report to be completed by all parties to an accident and returned to the state where the accident occurred within thirty days. A proactive safety and loss control program requires that the driver involved in an accident complete an accident report form. These reports are often furnished by your insurance carrier in an accident kit. It is to the company's benefit to have the accident report filled out by the driver as soon as possible after the accident, as the driver will have the best recollection of the accident and be able to explain how the accident occurred in the report.

When a company is involved in an accident and receives notification from the driver or law enforcement official it is beneficial for the motor carrier to have a report form to use to document the information. If the accident is serious, you will need a report to make sure that you ask the appropriate questions are being asked and answered. Form 6-2 can be used for this purpose. All accidents and incidents regardless of severity should be documented and recorded.

Websites to Assist in Accident Reporting and Investigation

<https://actar.org/resources/reports> –This website is provided by the Accreditation Commission for Traffic Accident Reconstruction and will provide you state and province accident report forms and overlay code sheets to interpret accident report forms that you receive from law enforcement agencies. Go to the website and click on Crash Reports and Overlay Forms.

While investigating accidents and defending your liability in an accident it is important that you have all the information available to you. This website provides complete listing of automobiles that have data recorders on board (black boxes) where information can be retrieved regarding the operation of the vehicle prior to the accident. **<https://ww2.motorists.org/issues/black-boxes/check-your-vehicle/>**

Is your Company Prepared in the event of an accident?

Today more than ever companies that operate commercial motor vehicles need to prepare in advance for an accident that one of your vehicle may have. Depending on the severity of the accident, just the involvement is enough to throw the thought process of most drivers and supervisors into array. Companies need to have a clear and direct plan in place that will be implemented when an accident occurs. This plan needs to be flexible and can be activated no matter what time of the day or night. When an accident occurs the company has a number of immediate items that need to be addressed.

1. The safety and protection of the driver and public.
2. Protecting the company's liability and physical damage exposure.
3. Provide information to Law Enforcement officials.
4. Control of progressive damage that may occur from the accident, including Hazardous material spills, cargo and the vehicles.
5. Compliance with State and Federal Regulations (such as drug and alcohol testing if required).
6. Documenting and protecting the physical evidence at the scene (Spoliation of evidence).
7. Securing witnesses to the accident.
8. Addressing the News Media and social media.
9. Having your vehicle towed to a safe and secure site.

Recommendations for a company to prepare for an accident:

1. Put together an accident response team. Ideally this team would consist of the safety director, the driver involved, insurance accident investigator, company's attorney and if needed an accident reconstruction expert.
2. Have an accident action plan in place that outlines the direction and responsibilities of the response team.
3. Develop written policy for drivers to follow when involved in an accident regardless of severity. This would include reporting, conduct at the scene, responsibilities, drug and alcohol testing, etc.
4. Include accident scene training as part of your new driver orientation program. Drivers should know exactly what to do and what NOT to do in the event of an accident.
5. Place Accident Kits in the units. This kit should include a camera, accident report, pencil,

and instructions. Place and expiration date on the outside of the kit that coincides with the expiration date of the camera. It is recommended that these kits be sealed or secured so the materials Drivers need to be trained on how to use the camera and which pictures should be taken and which pictures NOT to take.

Photographing an Accident Scene

The old saying “a picture is worth a thousand words” is especially true when talking about taking photos at an accident scene. Have you provided training to your drivers on how to use the cameras? If not, you run the risk that the driver will not have taken photos needed to document evidence or worse yet, that the photos the driver has taken can be used against you in a court of law. Use the following tips to train your drivers:

1. Show the driver how to properly operate the camera. Have photos as samples to show them how close or far to take the photos.
2. Shoot all available pictures on the roll at an accident scene. That one extra picture may hold key evidence to protect your company.
3. Photograph all damaged areas and undamaged areas of all vehicles. Do not forget to photograph the license plate of all vehicles involved in the accident. This photo should be close enough to read the plate and identify which vehicle it was on.
4. Photograph the interior of the vehicles including the dash area and driving compartment. Include in the photo all safety equipment such as seat belts, steering wheel, pedals, and air bags.
5. Photograph the accident scene from all angles. When photographing a vehicle or entire scene, draw an imaginary box around the vehicle or scene. Then photograph from each corner of the box.
6. Take pictures of the roadway leading up to the accident scene. Any skid marks should be photographed in various angles. Include in the photograph's stationary objects, telephone poles, road signs, buildings, etc.
7. DO NOT take photos of anyone who has been injured or is deceased due to the accident. However, take photos of occupants in the other vehicles to document who was involved in the accident. For example, if the driver of the other vehicle is out changing a tire, photograph this action to show the physical condition of the other driver immediately following the accident.
8. Provide the driver with your accident report form so it can be completed electronically.

Spoliation of Accident Evidence

When one of your vehicles is involved in an accident that incurs serious bodily injury and or fatalities, we need to be very careful with the documentation and evidence that is a part of the accident to make sure that it is not altered or destroyed. The paper evidence document that is most obvious is the hours of service documentation of the driver (Logs). However, with the advent of new technology that has been integrated into the trucks, such items as the electronic control module (ECM) of the engine, electronic on-board recorders would also fall into the category of evidence. Parties in a truck accident case have a duty to retain evidence that could be relevant to the accident if they believe the accident could be the subject of litigation. Obviously, the best practice with respect to evidence in a case is to preserve all potential evidence until all legal proceeds have began and concluded. The judicial system addresses spoliation of evidence in Latin phrase, *omnia praesumuntur contra spoliatem*, which means “all things are presumed against the spoliator.” Two states, New Jersey and California have passed law that spoliation of evidence can be tried as an independent “tort” or a separate lawsuit. In the remaining states, the aggrieved party’s attorney will ask the judge for a jury instruction that the destruction or alteration of evidence by a party gives rise to inferences or presumptions unfavorable to the party that destroyed or altered the evidence. It is very important that if your company is involved in an accident which is subject to litigation, that you contact your insurance carrier and representing attorney to discuss pertinent evidence in the accident so you are not accused of spoliation of evidence. This can even be taken as far as having a damaged truck repaired!

FMCSA Crash Preventability Determination Program

Motor carriers and drivers can challenge the preventability of certain crashes with the Federal Motor Carrier Safety Administration’s (FMCSA) Crash Preventability Determination Program. Non-Preventable DOT recordable crashes can be removed from your CSA scoring if approved by the FMCSA.

How the program works:

The FMCSA has identified several crash types as non-preventable. Commercial motor vehicle crashes meeting the criteria, occurring on or after August 1, 2019, are eligible for consideration under the relaunched program.

Motor carriers and drivers must use the online DataQs system to argue that their crash was not preventable.

Click on this link to challenge the preventability of an accident:

<https://dataqs.fmcsa.dot.gov/>

To find more information out about the program go to:

Crash Preventability Determination Program (CPDP) | FMCSA (dot.gov)

If a crash is deemed non-preventable, the FMCSA will:

- Remove the crash from the carrier’s “crash indicator” score in the Compliance, Safety, Accountability (CSA) system, reducing the chance the carrier will be targeted with enforcement action.
- Add a note to the Pre-Employment Screening Program (PSP) to indicate that the crash was not preventable, reducing the odds that the driver involved would not be hired due to his or her crash history.

Qualifying crashes

How do you know if your crash is eligible for consideration? The FMCSA has provided a list of scenarios that are defined as non-preventable.

A crash is eligible if a commercial motor vehicle:

- Was struck in the rear
- Was struck on the side at the rear
- Was struck by a motorist driving in the wrong direction, or was struck by another motorist in a crash when a driver was operating in the wrong direction (e.g., a car being driven in the wrong direction strikes another car that then hits a commercial vehicle)
- Was struck by a vehicle that was making a U-turn or illegal turn
- Was legally stopped at a traffic control device (e.g., stop sign, red light, or yield), or was parked, including while the vehicle was unattended
- Was struck by a vehicle that did not stop or slow in traffic
- Was struck by a vehicle that failed to stop at a traffic control device
- Was struck by an individual under the influence (or related violation, such as operating while intoxicated), according to the legal standard of the jurisdiction where the crash occurred, or was struck by another motorist who was involved in such a crash
- Was struck by a driver who experienced a medical issue which contributed to the crash
- Was struck by a driver who admitted falling asleep or being distracted (e.g., by a cell-phone, GPS, passengers, etc.)
- Was struck by cargo, equipment, or debris (e.g., fallen rocks, fallen trees, unidentifiable items in the road), or the crash was a result of an infrastructure failure
- Struck an animal
- Struck an individual committing or attempting to commit suicide
- Was involved in a crash type that seldom occurs and does not meet another eligible crash type (e.g., being struck by an airplane or skydiver or being struck by a deceased driver)

True Cost of an Accident

When considering the cost of an accident we need to account for both direct and indirect costs. Many times, we only consider the actual physical damage cost of the truck or medical bills incurred. Form 6-3 is a worksheet that you can use to determine the true cost of an accident. According to the National Highway Transportation Safety Administration, the average cost of a motor vehicle accident is \$16,500. The FMCSA has stated that the average cost of a fatality accident today is \$7 million. Refer to form 6-3 for your calculation.

ACCIDENT REGISTER

FROM _____, 20____ TO _____, 20____

[illegible]

Accident Report Form

City: _____ County: _____ St: _____ Date: _____ Time: _____

Law Enforcement Dept: _____ Officer: _____ Phone: () _____ Photos Taken: _____

Exact Location: _____ Police Report #: _____ Report Available: _____ Insurance Claim #: _____

Weather: _____ Road Condition: _____ Traffic Congestion: _____ Total Vehicles: _____ Location: _____

Company Vehicle #1

Make: _____ Model: _____ A/T _____ Year: _____ Tag: _____ St: _____ Unit #: _____

Driver: _____ Address: _____ Phone: () _____

License#: _____ St: _____ Citations Issued: _____

Owner: _____ Address: _____ Phone: () _____

Insurance: _____ Policy#: _____ Phone: () _____

Damage: _____ Previous Damage: _____

Other Vehicle # _____

Make: _____ Model: _____ A/T _____ Year: _____ Tag: _____ St: _____ Unit #: _____

Driver: _____ Address: _____ Phone: () _____

License#: _____ St: _____ Citations Issued: _____

Owner: _____ Address: _____ Phone: () _____

Insurance: _____ Policy#: _____ Phone: () _____

Damage: _____ Previous Damage: _____

Witness: _____ Address: _____ Phone: () _____**Witness:** _____ Address: _____ Phone: () _____**Fatality/Injury Name:** _____ Address: _____ Phone: () _____

Ambulance: _____ Hospital: _____ Condition: _____

Vehicle Towed

Veh#: _____ Wrecker: _____ Reason: _____

***Property Damage:** _____ Description: _____

Name: _____ Address: _____ Phone: () _____

Reporting Location: _____ Manager's Name: _____ Date: _____

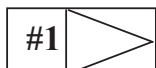
Signature: _____

Accident Report

Diagram of Accident Scene Accident Date: _____

Reporting Location: _____

EXAMPLE

**NORTH****SHOW ALL POSSIBLY RELEVANT LOCATIONS OF VEHICLES, OBJECTS, BUILDINGS, ROADWAYS, PEDESTRIANS, ETC.**Employee: _____ Date of Birth: _____ Date of Hire: _____ D/A Test: ☐ Date/Time: _____

HRs On Duty: _____ Hrs Last 6 Days: _____ Regular Route: _____ Break Times on Accident Day: _____

OBC Provider Notified: _____ Accident/Deceleration Report Obtained: _____

Court Date: _____ Location: _____ Disposition: _____

Description of Accident:**Identify and document the applicable Five Keys associated with this accident;**

1. Aim high in steering: _____
2. Get the big picture: _____
3. Keep your eyes moving: _____
4. Leave an out: _____
5. Make sure they see you: _____

Driver signature _____

ATTACH ADDITIONAL PAGES FOR ALL OTHER NECESSARY INFORMATION AND PHOTOS

True Costs of an Accident

Costs of Motor Vehicle Crashes to Employers Worksheet

Direct Costs to the Organization

Workers' compensation benefits	\$ _____
Healthcare costs	\$ _____
Increases in medical insurance premiums	\$ _____
Auto insurance and liability claims and settlements	\$ _____
Physical and vocational rehabilitation costs	\$ _____
Life insurance and survivor benefits	\$ _____
Group health insurance dependent coverage	\$ _____
Property damage (equipment, products, etc.)	\$ _____
Motor vehicle repair and replacement	\$ _____
EMS costs (ambulance or medivac helicopter)	\$ _____
Vehicle towing, impoundment, and inspection fees	\$ _____
Municipality or utility fees for damage to roads, signs or poles	\$ _____

Direct Total \$ _____

Indirect Costs

Supervisor's time (rescheduling, making special arrangements)	\$ _____
Fleet manager's time to coordinate vehicle repair, replacement, etc.	\$ _____
Reassignment of personnel to cover for missing employees	\$ _____
Overtime pay (to cover work of missing employees)	\$ _____
Employee replacement	\$ _____
Re-entry and retraining of injured employees	\$ _____
Administrative costs (documentation of injuries, treatment, absences, crash investigation)	\$ _____
Inspection costs	\$ _____
Failure to meet customer requirements resulting in loss of business	\$ _____
Bad publicity, loss of business	\$ _____

Indirect Total \$ _____

TOTAL ACCIDENT COST \$ _____

Chapter 7

Maintenance and Inspection

CFR 396

Applicability

These regulations apply to all CMV's 10,001 lbs or more or transporting HM in placardable quantities or passengers.

The maintenance and inspection of a CMV is vital to maintain a high level of safety for the driver and the motoring public. It also assures the operator of the vehicle the maximum up time that the vehicle is available for operations at the highest level of efficiency. Each full-service lease, rental, or contract maintenance CMV of Idealease is placed into a scheduled maintenance and inspection program follows the requirements of the FMCSA regulations. CFR 396.3 allows a motor carrier to have an outside party complete the maintenance, service repair and inspection to a CMV.

FMCSR 396.3

Every motor carrier shall systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles subject to its control.

Frequently Asked Questions Regarding Maintenance

Who has the responsibility of inspecting and maintaining leased vehicles and their maintenance records?

Answer: The motor carrier must either inspect, repair, maintain, and keep suitable records for all vehicles subject to its control for 30 consecutive days or more, or cause another party to perform such activities. The motor carrier is solely responsible for ensuring that the vehicles under its control are in safe operating condition and that defects have been corrected.

Maintenance File

For vehicles controlled for 30 consecutive days or more, except for a private motor carrier of passengers (non-business), the motor carriers shall maintain, or cause to be maintained, the following record for each vehicle:

- An identification of the vehicle including company number, if so marked make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle; *See Form 7-1.*
- A means to indicate the nature and due date of the various inspection and maintenance

operations to be performed;

- A record of inspection, repairs and maintenance indicating their date and nature; and
- A record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.
- Maintenance files can be documented electronically or on paper.

Record Retention of Maintenance File

The maintenance file shall be retained where the vehicle is either housed or maintained for a period of 1 year and for 6 months after the motor vehicle leaves the motor carrier's control.

Driver Daily Vehicle Inspection Reports

CFR 396.11 & 396.13

A crucial part of each driver's daily operation is to inspect the commercial vehicle they are operating. Over the years there has been confusion regarding pre- and post-trip inspections. Let's start with the pre-trip inspection.

Pre-Trip Inspection

FMCSA regulations CFR 396.13 state that before driving a motor vehicle, the driver shall:

Be satisfied that the vehicle is in safe operating condition;

Review the last driver vehicle inspection report; and

Sign the report, only if defects or deficiencies were noted by the driver who prepared the report, to acknowledge that the driver has reviewed it and that there is a certification that the required repairs have been performed. The signature requirement does not apply to listed defects on a towed unit which is no longer part of the vehicle combination.

Does the pre-trip inspection need to be documented?

Although the pre-trip is not required by regulation to be documented, it is a good idea to document the inspection. It is recommended that the pre-trip inspection be "flagged" on the driver's record of duty status in the "Grid" section of your hours-of-service documentation. Your Electronic Logging Device (ELD) should allow for this procedure.

Post-Trip Inspection

The FMCSA CFR 396.11 requires that every driver report and prepare a report in writing at the completion of each day's work on each vehicle operated and the daily vehicle inspection report (DVIR) shall cover the following parts and accessories:

Service brakes including trailer brake connections

Parking (hand) brake

Steering Mechanism

Lighting devices and reflectors

Tires

Horn

Windshield Wipers

Rear Vision Mirrors

Coupling Devices

Wheels and Rims

Post-Trip Inspection Cont'd

The report shall identify the vehicle and list any defect or deficiency in the vehicle that would affect the safe operation of the vehicle or cause a mechanical breakdown. If there are no defects or deficiencies the driver is not required to complete a DVIR as of December 18th, 2014. In all instances the driver is required to sign the DVIR upon completion.

Now, if there are defects or deficiencies noted by the driver the motor carrier is required to correct or cause to have corrected the defects or deficiencies of the CMV prior to allowing or permitting the operation of the vehicle. Does this mean all defects and deficiencies must be corrected? NO, only those as outlined in Appendix G of the FMCSR that would directly affect the safe operation of the CMV. Technicians, drivers, and service managers should all become familiar with appendix G to determine which defect/deficiencies must be corrected immediately and which can be held off until the next PM or later date. Once the defect /deficiency have been corrected the original DVIR is required to be “certified” as corrected or that the correction was unnecessary. The DVIR is then to be signed by the repairing technician. The “certification” is required to be on all copies of the DVIR. To access Appendix G: <https://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol5/pdf/CFR-2011-title49-vol5-subtitleB-chapIII-subchapB-appG.pdf>.

See Form 7-2.

Electronic Daily Vehicle Inspection Reports

The motor carrier is responsible for retaining the original copy of each DVIR and the certification of repairs for at least 3 months from the date the report was prepared.

Annual Vehicle Inspection

CFR 396.17

A motor carrier shall inspect or cause to be inspected all motor vehicles subject to its control. A motor carrier shall not use a commercial motor vehicle unless each component identified in Appendix G has passed an inspection, in accordance with CFR 396.17, at least once during the preceding 12 months and documentation of such inspection is on the vehicle. To meet this regulation requirement, a motor carrier can maintain a copy of the annual inspection in the unit or place a sticker (decal) on the CMV that has the following information:

The date of inspection;

Name and address of the motor carrier or other entity where the inspection report is maintained;

Information uniquely identifying the vehicle inspected if not clearly marked on the motor vehicle; and

A certification that the vehicle has passed an inspection in accordance with CFR 396.17.

See Form 7-3.

Equivalent of an Annual Inspection

The FMCSA has designated two other inspections as being equivalent and acceptable for the annual inspection. Those states that have mandatory state inspections for commercial motor vehicles and the inspections meet the minimum requirements of the annual inspection can be substituted for an annual inspection CFR 396.23. In addition, if a CMV has completed a level 1 or level 5 CVSA roadside inspection and has passed the inspection without violation in the previous 12 months, this inspection then meets the annual inspection requirements of CFR 396.17. Currently, there are twenty-two states, ten Canadian provinces and one Canadian territory that have inspection programs that meet or exceed the FMCSA regulation requirements for annual inspection:

States

Alabama (Liquefied Petroleum Gas Board)	Maine	New York	Virginia
California	Maryland	Ohio (church bus inspection program)	West Virginia
Connecticut	Massachusetts	Pennsylvania	Wisconsin (bus inspection program)
District of Columbia	Michigan (bus inspection program)	Rhode Island	
Hawaii	Minnesota	Texas	
Louisiana	New Hampshire	Utah	
	New Jersey	Vermont	

Canadian Provinces and Mexico

The inspection programs of Mexico (NOM 68), the ten Canadian Provinces, and the Yukon Territory are FMCSA compliant.

Annual Inspector Certification

CFR 396.19

It shall be the motor carrier's responsibility to ensure that the individual(s) performing an annual inspection is qualified as follows:

Understands the inspection criteria set forth in CFR Part 393 and Appendix G of the FMCSA regulations and can identify defective components; and

Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection; and

Is capable of performing an inspection by reason of experience or training.

See Form 7- 4

Brake Repair Certification

CFR 396.25

The motor carrier shall ensure that all inspections, maintenance, repairs or service to the brakes of its commercial motor vehicles, are performed in compliance with the requirements of CFR 396.

Brake Inspector means any employee of a motor carrier who is responsible for ensuring all brake inspections, maintenance, service, or repairs to any commercial motor vehicle, subject to the motor carrier's control, meet the applicable Federal standards. No motor carrier shall require or permit any employee who does not meet the minimum brake inspector qualifications of CFR 396.25 to be responsible for the inspection, maintenance, service or repairs of any brakes on its commercial motor vehicles.

The motor carrier shall ensure that each brake inspector is qualified as follows:

Understands the brake service or inspection task to be accomplished and can perform that task; and

Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an assigned brake service or inspection task; and is capable of performing the assigned brake service or inspection by reason of experience or training.

See Form 7-5.

Roadside Inspections

Commercial Vehicle Safety Alliance (CVSA)

CVSA is an association of state, provincial, and federal officials responsible for the administration and enforcement of motor carrier safety laws in the United States, Canada and Mexico. Its membership includes all 50 states, the District of Columbia, and all the 13 Canadian provinces and territories, the country of Mexico, the U. S. Territories of Guam, Samoa, the Virgin Islands and Puerto Rico, and the U.S. Possession of the Northern Marianas. CVSA member jurisdictions are represented by various Departments of Transportation, Public Utility and Service Commissions, State Police, Highway Patrols and Ministries of Transport. The CVSA was founded in 1980 to establish a uniform CMV inspection process that is used throughout North America by enforcement officials. There are five inspection levels that a CMV and the driver there of can be subject to:

LEVEL I — A complete inspection that includes a check of the driver's license, medical examiner's certificate (and waiver, if any), alcohol and drugs, hours of service, seat belt, vehicle inspection report, brake system, coupling devices, exhaust system, frame, fuel system, turn signals, brake and tail lamps, headlamps, lamps on loads, load securement, steering, suspension, tires, van and open-top trailer bodies, wheels and rims, windshield wipers, emergency exits on buses and hazardous materials requirements, as applicable.

LEVEL II — A "walk-around" inspection that includes a check of each of the items in a Level I inspection but not items that require the inspector to physically get under the truck.

LEVEL III — An inspection of just the driver-related items in a Level I inspection.

LEVEL IV — A special inspection, typically a one-time examination of a particular item for a safety study or to verify or refute a suspected trend.

LEVEL V — An inspection of just the truck-related items in a Level I inspection.

LEVEL VI — An inspection of a shipment of highway-route-controlled quantities of radiological material. A Level VI inspection includes an enhanced check of each of the items in a Level I inspection.

LEVEL VII---An inspection that is a jurisdictional mandated inspection program that does not meet the requirements of any other level of inspection.

LEVEL VIII---The North American Standard Level VIII Electronic Inspection is an inspection conducted electronically or wirelessly while the vehicle is in motion without direct interaction with an enforcement officer. To be considered a complete Level VIII Electronic Inspection, a data exchange must include each of the required and/or applicable data points listed in the CVSA North American Standard Level VIII Electronic Inspection definition.

CVSA: 99 M Street, SE, Suite 1025 202-998-1002
Washington, DC 20003 **www.cvsa.org**

How to Read a CVSA Decal

Inspections performed according to the CVSA standard are conducted by certified government employees who successfully completed a training program approved by CVSA. Trucks that successfully pass a Level 1 or Level 5 inspection receive a CVSA decal valid for three consecutive months. Vehicles displaying a decal generally will not be subject to another inspection in that three-month period.

Each vehicle used singularly or in combination may qualify for a CVSA decal if a Level 1 or Level 5 inspection finds no defects in the following critical vehicle inspection items: brake system, coupling devices, exhaust system, frame, fuel system, turn signals, brake lamps, tail lamps, head lamps, lamps on projecting loads, safe loading, steering mechanism, suspension, tires, van and open-top trailer bodies, wheels and rims, windshield wipers, and emergency exits for buses.

The year in which a Level 1 or Level 5 inspection was performed is indicated by a large number at the top of each CVSA decal. In 2001, for example, the number “1” was displayed. The quarter of the year in which the inspection was performed is indicated by the color of the CVSA decal. A green decal indicates the inspection was performed in January, February, or March. A yellow decal indicates April, May, or June. An orange decal indicates July, August, or September. A white decal indicates October, November, or December. The specific month in which the inspection was performed is indicated by the upper corners of the decal. Decals issued in the first month of a calendar quarter have both upper corners removed. Decals issued in the second month of the quarter have the upper right corner removed. Decals issued in the last month of a calendar quarter have no corners removed.

Roadside Inspection Record Retention and Reporting

CFR 396.9

Copies of all roadside inspections are to be kept by the motor carrier for 12 months. The driver is required to turn in the inspection to the motor carrier within 24 hours. If they are not going to return to the terminal they are to mail in the inspection. If the inspection resulted in violations they are to be corrected or repaired and the inspection form is to be signed and certified that the repairs were completed and sent back to the state of inspection within 15 days.



Idealease - 430 N. Rand Road – N. Barrington, IL (847) 304 6000 email: Idealease@idealease.com

Maintenance File Documentation

According to the Federal Motor Carrier Safety Regulations
CFR 396.3 (b)

Identification of the Vehicle:

Company Number: _____

Make: _____

Serial Number: _____

Year: _____

Tire Size: _____

Owner other than motor carrier:



DRIVER'S INSPECTION REPORT

CHECK DEFECTS ONLY. Explain under REMARKS
COMPLETION OF THIS REPORT REQUIRED BY FEDERAL LAW, 49CFR 396.11 & 396.13.

Mileage (No Tenths) or Hours

Truck or
Tractor No. _____ Vehicle Make _____ Trailer # _____

Dolly No. _____ Trailer No. _____ Location/Time: _____

Code Numbers for Maintenance Department Use Only

POWER UNIT		
GENERAL CONDITION <input type="checkbox"/> 02 Cab/Doors/Windows <input type="checkbox"/> 02 Body/Doors <input type="checkbox"/> Oil Leak _____ <input type="checkbox"/> Grease Leak _____ <input type="checkbox"/> 42 Coolant Leak <input type="checkbox"/> 44 Fuel Leak <input type="checkbox"/> Air Brake Adjustment _____ <input type="checkbox"/> Drive Line _____ <input type="checkbox"/> Other _____ <div style="text-align: center;">(IDENTIFY)</div>	IN-CAB <input type="checkbox"/> 03 Gauges/Warning Indicators <input type="checkbox"/> Brake Air Pressure or Vacuum Gauge <input type="checkbox"/> Brake Failure Warning Light <input type="checkbox"/> Low Pressure Warning Signal <input type="checkbox"/> 02 Windshield Wipers/Washers <input type="checkbox"/> 54 Horn(s) <input type="checkbox"/> 01 Heater/Defroster <input type="checkbox"/> 02 Mirrors <input type="checkbox"/> 15 Steering <input type="checkbox"/> 23 Clutch <input type="checkbox"/> 13 Service Brakes <input type="checkbox"/> 13 Parking Brake <input type="checkbox"/> 13 Emergency Brakes <input type="checkbox"/> 53 Reflective Triangles <input type="checkbox"/> 53 Fire Extinguisher <input type="checkbox"/> 53 Other Safety Equipment <input type="checkbox"/> 34 Spare Fuses <input type="checkbox"/> 02 Seat Belts <input type="checkbox"/> 99 Spill Kit _____ <input type="checkbox"/> Registration/Permits	EXTERIOR <input type="checkbox"/> 34 Lights <input type="checkbox"/> 34 Reflectors <input type="checkbox"/> 16 Suspension <input type="checkbox"/> 17 Tires <input type="checkbox"/> 18 Wheels/Rims/Lugs <input type="checkbox"/> 32 Battery <input type="checkbox"/> 43 Exhaust <input type="checkbox"/> 13 Brakes <input type="checkbox"/> 13 Air Lines <input type="checkbox"/> 34 Light Line <input type="checkbox"/> 49 Fifth-Wheel <input type="checkbox"/> 49 Other Coupling <input type="checkbox"/> 71 Tie-Downs <input type="checkbox"/> 14 Rear-End Protection <input type="checkbox"/> Load Covering <input type="checkbox"/> Load Security / Tie-Downs <input type="checkbox"/> 55 Power Liftgate <input type="checkbox"/> Other _____ <div style="text-align: center;">(IDENTIFY)</div>
<input type="checkbox"/> NO DEFECTS		
TOWED UNIT(S)		
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> 71 Body/Doors <input type="checkbox"/> 71 Tie-Downs <input type="checkbox"/> 34 Lights <input type="checkbox"/> 34 Reflectors </div> <div style="width: 33%;"> <input type="checkbox"/> 16 Suspension <input type="checkbox"/> 17 Tires <input type="checkbox"/> 18 Wheels/Rims/Lugs <input type="checkbox"/> 13 Brakes </div> <div style="width: 33%;"> <input type="checkbox"/> 77 Landing Gear <input type="checkbox"/> 59 Kingpin/Upper Plate <input type="checkbox"/> 59 Fifth-Wheel (Dolly) <input type="checkbox"/> 59 Other Coupling Devices </div> <div style="width: 33%;"> <input type="checkbox"/> 79 Rear-End Protection <input type="checkbox"/> 55 Power Liftgate <input type="checkbox"/> Other _____ <div style="text-align: center;">(IDENTIFY)</div> </div> </div> <div style="text-align: right;"> <input type="checkbox"/> NO DEFECTS </div>		
REMARKS: <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div>		
REPORTING DRIVER: Date _____ Signature _____ Emp. No. _____	MAINTENANCE ACTION: Date _____ Repairs Made <input type="checkbox"/> No Repairs Needed <input type="checkbox"/> M.O. # _____ Certified By: _____ Location: _____	
REVIEWING DRIVER: Date _____ Signature _____ Emp. No. _____		
MAINTENANCE DEPT. REMARKS: _____		



DAILY VEHICLE INSPECTION REPORT

Operator's name: _____

Power unit; Plate # / jurisdiction: _____ / _____

Odometer reading: _____

Trailer; Plate # / jurisdiction: _____ / _____

Inspection date: _____ Time: _____ Inspection location: _____

Printed name of inspection person: _____

☐ Power Unit ☐ Trailer; **no major or minor defects** found during initial inspection.

☐ Power Unit ☐ Trailer; **major and minor defects** found during the initial inspection or while en route.

Major violations found during initial inspection: _____

Minor violations found during initial inspection: _____

Major violations found while **en route**: _____

Minor violations found while **en route**: _____

Signature - I inspected vehicles in accordance with the applicable regulation:

_____ Date: _____

Signature of each driver who **did not** conduct the initial inspection;

Power unit: _____ Date: _____ Trailer: _____ Date: _____

_____ Date: _____

_____ Date: _____

CERTIFICATION OF REPAIRS

Signature of person, who repaired defect, determined not in need of repair or declared not to be a defect:

_____ Date: _____

Driver's Signature: _____ Date: _____



RECORD OF ANNUAL INSPECTION

(49 CFR, 396.17-23)

Prepare Separate Report for Each Vehicle Inspected

Form 7-3

Carrier Name _____ Date _____

Address _____
STREET CITY STATE ZIP

Owner (If Not the Motor Carrier) _____

Address _____
STREET CITY STATE ZIP

Vehicle Type ☐ TRUCK ☐ TRACTOR ☐ TRAILER ☐ CONVERTOR DOLLY _____
(✓ One) MODEL MAKE YEAR

Vehicle ID Number _____ Tag Number/State _____

Inspection Location _____
STREET CITY STATE ZIP

Inspector's Name _____ ID No. _____
(Please Print)

REPORT OF CONDITION

(For Detailed Information on Inspection Procedures See FMCSR Section 396, Appendix G.)

	OK	Repair
BRAKES		
Adjustment		
Mechanical Components		
Drum/Rotor		
Hose/Tubing		
Lining		
Low Air Warning		
Trailer Air Supply		
Compressor		
Parking Brakes		
Other		
COUPLERS		
Fifth-Wheel & Mount		
Pin/Upper Plate		
Pintle-Hook/Eye		
Safety Chain(s)		
EXHAUST		
Leaks		
Placement		

	OK	Repair
LIGHTING		
Headlights		
Tail/Stop		
Clearance/Marker		
Identification		
Reflectors		
Other		
CAB/BODY		
Access		
Eqpt./Load Secure		
Tie-Downs		
Headerboard		
Others		
STEERING		
Adjustment		
Column/Gear		
Axle		
Linkage		
Power Steering		
Other		

	OK	Repair
FUEL SYSTEM		
Tank(s)		
Lines		
SUSPENSION		
Springs		
Attachments		
Sliders		
FRAME		
Crossmembers		
Clearance		
Rear Impact Guards		
Rear Impact Protectors		
TIRES		
Tread		
Inflation		
Damage		
Other		
WHEELS/RIMS		
Fasteners		
Disc/Spoke		
WINDSHIELD		
WINDSHIELD WIPERS		
MIRRORS		

Remarks _____

This vehicle has been inspected and repaired as needed to comply with 49 CFR part 396, Appendix G.

CERTIFIED INSPECTOR'S SIGNATURE

DATE



Annual Inspector Certification
49 CFR 396.19

Motor carriers are responsible for ensuring that individuals(s) performing an annual inspection under 396.17 are qualified.

Minimum Qualifications:

- Understands the inspection criteria set forth in 49 CFR Part 393 and Appendix G and can identify defective components.
- Is knowledgeable of and has mastered the methods, procedures, tools and equipment necessary to perform an annual inspection.
- Is capable of performing an inspection by reason of experience, training or both, and qualify in one of the following categories (check all that apply):

1. ☐ Has successfully completed a State or Federal sponsored training program or has a certificate from a State or Canadian Province which qualifies the individual to perform commercial motor vehicle safety inspections. Specify: _____

OR

2. ☐ Has a combination of training or experience totaling at least one year. (Check all that apply)

- ☐ Participation in a truck manufacturer sponsored training program or similar commercial training program designed to train students in truck operation and maintenance. Specify where and the date: _____

- ☐ _____ (years) experience as a technician or inspector in a motor carrier maintenance program
 Name of carrier and date: _____

- ☐ _____ (years) experience as a technician or inspector in truck maintenance at a commercial garage, fleet leasing company, or similar facility. Name of facility and dates: _____

- ☐ _____ (years) experience as a commercial vehicle inspector for a State, Provincial or Federal Government. Where and dates: _____

I certify the above information is true and accurate to the best of my knowledge.

Company of Technician/Inspector _____ date _____

Technician/inspector's signature _____ date _____

Company Supervisor's signature _____ date _____

Evidence of Inspector qualifications are on file at: _____



Brake Inspector Certification
49 CFR 396.25

Brake inspector means any employee of a motor carrier who is responsible for ensuring all brake inspections, maintenance, service or repairs to any commercial motor vehicle, subject to the motor carrier's control, meet the applicable Federal standards.

No motor carrier shall require or permit any employee who does not meet any minimum brake inspector qualifications to be responsible for the inspection, maintenance, service or repairs of any brakes on its commercial motor vehicles.

Minimum Qualifications

- Understands and can perform brake service and inspection.
 - Is knowledgeable of and has mastered the methods, procedures, tools and equipment necessary to perform brake service and inspection.
 - Is capable of performing brake service or inspection by reason of experience, training or both, and qualify in one of the following categories (check all that apply):
1. ☐ Has successfully completed an apprenticeship program sponsored or approved by a State, Canadian Province, a Federal agency, or labor union, or a training program approved by a State, Provincial or Federal agency, or has a certificate from a State or Canadian Province which qualifies the person to perform the assigned brake service or inspection task (including passage of CDL air brake tests in the case of a brake inspection).
Specify: _____

OR

2. ☐ Has brake-related training or experience or a combination thereof at least one year as follows (check all that apply):
 - ☐ Participation in a brake maintenance or inspection training program sponsored by a brake or vehicle manufacturer or similar commercial training program. Specify where and the date: _____
 - ☐ _____ (years) experience performing brake maintenance or inspection in a motor carrier maintenance program. Name of carrier and date: _____
 - ☐ _____ (years) experience performing brake maintenance or inspection at a commercial garage, fleet leasing company, or similar facility. Name of facility and dates: _____

I certify the above information is true and accurate to the best of my knowledge.

Company of Mechanic/Inspector _____ date _____

Mechanic/inspector's signature _____ date _____

Company Supervisor's signature _____ date _____

Evidence of Inspector qualifications are on file at: _____

Chapter 8

Drivers Hours of Service

CFR 395

Understanding the FMCSA hours of service regulations is the most challenging part of compliance for both drivers and management. The ease with which drivers comply with hours-of-service documentation has been enhanced with the use of Electronic Logging Devices (ELD's). The ELD does not change the hours-of-service regulations, only how they are documented.

Applicability

Hours of Service Regulations discussed in this chapter pertain to commercial motor vehicles transporting property. For Hours of Service Regulations regarding commercial motor vehicles transporting passengers go to <https://www.fmcsa.dot.gov/regulations/hours-service/summary-hours-service-regulations>

All drivers operating CMV's with a GVWR/GCWR or gross weight of 10,001 lbs. or more, or transporting hazardous materials in placardable quantities or passengers, according to the definition of a CMV found in 390.5, are subject to the hours-of-service regulations.

Every driver who operates a commercial motor vehicle shall record his/her duty status, in duplicate, for each 24 hour period. The duty status time shall be recorded on a specified grid, as shown in Form 8-1. The grid log document can be combined with other company documentation such as the daily vehicle inspection report.

The duty status shall be recorded as follows on the grid log document as follows:

"Off duty" or "OFF."

"Sleeper berth" or "SB" (only if a sleeper berth used).

"Driving" or "D."

"On duty not driving" or "ON."

For each change of duty status (e.g., the place of reporting for work, starting to drive, on duty not driving and where released from work), the name of the city, town or village, with State abbreviation, shall be recorded. The Hours of Service are required to be kept current to the change of last duty status. The driver's duty status record shall be prepared, maintained, and submitted using the time standard in effect at the driver's home terminal. Please refer to CFR 395.8 for further regulations in completing the grid log. *See Form 8-1.*

Retention of the Record of Duty Status Documentation

Each motor carrier shall maintain records of duty status and all supporting documents for each driver it employs for a period of six months from the date of receipt. In the case of multiple terminals the carrier can maintain the records of duty status and the supporting documents at the outlying terminals. In the event of an audit, the motor carrier has 48 hours or two business days to produce the documents to the FMCSA. The driver of a CMV as defined by CFR 390.5 shall retain a copy of each record of duty status for the previous 7 consecutive days which shall be in his/her possession and available for inspection while on duty. In addition, the driver shall submit or forward by mail the original driver's record of duty status to the regular employing motor carrier within 13 days following the completion of the form.

7 Day Prior Hours of Service Record

For drivers that are used occasionally or intermittently, it is recommended that a 7-day prior hours of service record be completed to protect the carrier from placing a driver into service that is out of hours. It is also recommended that this form be used for all new hires. *See Form 8-4.*

11 Hour Rule

The 11 hour rule simply stated is that once a driver has accumulated 11 hours driving then they are required to take 10 consecutive hours off-duty or 8 hours in the sleeper berth plus 2 hours sleeper or off-duty.

14 Hour Rule

The 14 hour rule is the most misunderstood of the hours of service rules. When a driver "comes of duty" the fourteen hour clock starts, and unless the driver has ten consecutive hours off duty, the driver can no longer drive a CMV after the 14th hour. The driver may continue to be "on duty not driving" but cannot operate the CMV until the driver has taken 10 consecutive hours off duty.

60/70 Hour Rule

No motor carrier shall permit or require a driver of a property-carrying CMV to drive, nor shall any driver drive a property-carrying CMV, regardless of the number of motor carriers using the driver's services, for any period after:

Having been on duty 60 hours in any period of 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

30 Minute Rest Break

CFR 395.3(a)(3)

Drivers must take the 30-minute break after 8 hours of cumulative driving, not 8 hours on duty. You cannot combine shorter rest periods to get a 30-minute; i.e., you may not take a 10-minute break after 3 hours driving and then another 20-minute break after 3 more hours driving and have that count for the 30-minute break. The 30 minutes must be taken consecutively. Also, a driver may operate an on-duty yard move of a vehicle during the 30-minute break time. The 30-minute regulation does not apply if you are using the short-haul operations CFR 395.1(e)(1) or (2). If you are using the short-haul exception and during a duty period can no longer comply, the driver must take a 30-minute break as required.

34 Hour Restart Provision

34 hours of consecutive off duty time restarts total hours of 60/70.

Applies even if starting with an over hours 60/70 violation.

A driver may spend part of his/her 34 hour restart in the sleeper berth as long the off duty time is consecutive and not broken by on-duty or driving time.

(1) Must include two periods from 1 a.m. to 5 a.m., home terminal time.

(2) May only be used once per week, 168 hours, measured from the beginning of the previous restart.

Exceptions to the Regulations

14 Hour Rule Exception Drivers may extend the 14 hour rule by 2 hours if they:

Are released from duty for the previous 5 duty tours AND

Return to work reporting location & released from duty within 16 hours AND

Have not used this exception in the previous 7 days, except following a 34-hour restart of 7/8-day period.

Total hours driving cannot exceed 11 hours.

Adverse Driving Conditions

The adverse driving conditions exception allows a driver an extra 2 hours in which to operate when encountering adverse driving conditions. This exception defines as follows: "Adverse driving conditions means snow, ice, sleet, fog, or other adverse weather conditions or unusual road or traffic conditions that were not known, or could not reasonably be known, to: (a) a driver immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or (b) a motor carrier immediately prior to dispatching the driver." You should annotate their ELD entry or driver logs to indicate the driver used the adverse driving conditions exception. This exception may be combined with the short-haul exception or the split sleeper berth rule. This exception only applies to the 11-hour and 14-hour regulations. A motor carrier may decline to allow drivers to use the adverse driving condition exception as a matter of company policy.

Driver Salesperson

This exception applies to an employee of a private carrier engaged in selling and delivering goods within a 150-air mile radius. The driver cannot devote any more than 50% of on-duty time to driving and cannot exceed 40 hours driving in a consecutive day period. By utilizing this exception, the driver does not have to comply with cumulative on-duty time limits of 60/7 or 70/8. This then allows the driver/salesperson to be on duty a maximum of 80 hours in 7 consecutive days with a maximum of 40 hours driving.

150 Mile Air-Mile Exception

Driver of property carrying CMV operating within a 100 air mile radius of their work reporting location are exempt from keeping grid records of duty status (log books) as long as the following requirements are met:

Operates exclusively within 150-mile radius of reporting location.

Returns to reporting location within 14 consecutive hours.

Does not exceed 11 hours driving time, following 10 off-duty hours.

The driver must maintain time records and the motor carrier must maintain for 6 months.

The benefits for a motor carrier who can utilize this exception are many. The driver benefits by not being required to keep a “log book” current up to the last change of duty. The driver does not have to keep the document on the truck. A time record is required to be on file for the driver and can be completed at the end of the day. Drivers who can utilize the exemption like the fact that they do not have to document every change of duty and activities such as fueling, stops, roadside inspections, etc. The motor carrier and driver both benefit from the fact that the exception almost eliminates the exposure for false log violations. As long as the supporting documentation, i.e. fuel receipts, toll tickets, bill of lading, roadside inspections, accidents, etc., are between the time the driver starts and ends for the day, neither the driver or the carrier are exposed. 150 air-miles equals 172.6 statute or road miles.

Time Record Requirements

The time record requirements for the 150 air mile exceptions require that the time record shows:

- The time the driver reports for duty each day.
- The total number of hours the driver is on duty each day.
- The time the driver is released from duty each day.
- The total time for the preceding 7 days for drivers used for the first time or intermittently.

See Form 8-2

Electronic Logging Device (ELD) Regulation

Introduction: On December 16, 2019, FMCSA required the adoption and use of electronic logging devices (ELDs) by all drivers currently required to complete paper records of duty status (logs). The ELD rule applies to motor carriers and drivers who are required to keep records of duty service (RODS). An ELD is technology that automatically records a driver's driving time and other aspects of the hours-of-service (HOS) records. This allows easier, more accurate HOS recordkeeping. An ELD monitors a vehicle's engine to capture data on whether the engine is running, whether the vehicle is moving, miles driven, and duration of engine operation (engine hours). With an ELD, Law enforcement can review a driver's hours of service by viewing the ELD's display screen, by a printout from the ELD, and in the near future by retrieving data electronically from the ELD. Manufacturers must self-certify that ELDs meet technical standards in the ELD rule and register with the FMCSA. Motor carriers and drivers must choose only ELDs that are certified and registered on FMCSA's website, as other devices may not be compliant.

Device Adoption Deadline Date: The rule requires fleets and drivers required to complete paper logs to adopt and use compliant ELDs by December 2017, unless they are currently using automatic on-board recording devices that are grandfathered (see below).

Grandfathering of Existing Equipment: FMCSA will allow fleets and drivers using "ELD-like" devices meeting the current standards for Automatic On-Board Recording Devices (see 49 CFR 395.15) to continue to use such devices until December 2019, two years after the final deadline for adoption of ELDs. If these devices can be modified to meet the ELD specifications (e.g., with a software upgrade) they may continue to be used after December 2019.

Limited Exceptions: The final rule allows limited exceptions to the ELD mandate, including:

- Drivers who use paper logs for not more than 8 days during any 30 day period;
- Drivers who conduct driveaway-towaway operations, where the vehicle is the product being delivered;
- Drivers of vehicles manufactured before model year 2000 (due to vehicle connectivity concerns; this is a change from the proposed rule);
- Drivers who operate using the logbook timecard exception (i.e. short-haul 150-air mile drivers)

Short Haul Drivers: Drivers who are not required to complete logs because they meet one of the short haul exemptions in section 395.1 (e) of the Federal Motor Carrier Safety Regulations are not

required to use ELDs. FMCSA recognizes that these drivers occasionally don't meet the conditions of these exemptions. In those instances, drivers are required to keep a paper log. Drivers who find themselves in these circumstances more than 8 days in any 30-day period are required to use ELDs.

Location Monitoring: ELDs are required to record vehicle location at every change of duty status and at a minimum of 60-minute intervals. To ensure against harassment and protect driver privacy, the devices will record location during on-duty time at a precision of approximately one mile, and during off-duty time of within ten miles (i.e., will not record exact location but generally where the vehicle is located when used for personal conveyance). Note: Fleets may employ devices that record location more precisely; FMCSA has imposed the one and ten-mile precision limits on information that is reported to enforcement officials when electronic logs are being verified.

Onboard Requirements

1. A user's manual for the driver describing how to operate the ELD;
2. An instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions to produce and transfer the driver's hours-of-service records to an authorized safety official;
3. An instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions; and
4. A supply of blank driver's records of duty status (RODS) graph-grids sufficient to record the driver's duty status and other related information for a minimum of 8 days. Prior to December 18, 2017, FMCSA recommends that drivers have the user's manual, malfunction instruction sheet, and graph-grids.
5. The ELD must be mounted in a fixed position during commercial motor vehicle (CMV) operation and be visible to the driver from a normal seated driving position.

Supporting Documents: Because ELDs effectively negate the need for supporting documents to verify driving time, FMCSA has implemented new document retention requirements to verify on-duty, not driving time. The final rule requires fleets to retain up to eight supporting documents from several categories (see below) per driver for each 24-hour period:

- Bills of lading, itineraries, schedules or equivalent documents indicating the origin and destination of a trip;
- Dispatch records, trip records, or equivalent documents;
- Expense receipts related to on-duty not driving time;
- Text messages, email messages, instant messages, or other electronic mobile communications transmitted through a fleet management system;
- Payroll records, settlement sheets, or other documents reflecting driver payments.

In order to qualify as a supporting document, a document must contain the following content: driver identification, date, vehicle location, and time. If the motor carrier has more than eight documents containing these data elements, they must retain the supporting documents nearest the beginning and the end of the driver's shift. Drivers are required to submit such documents within 13 days of receipt and produce those in their possession to law enforcement upon request. Fleets are required to maintain them in a manner which would facilitate their being easily matched to the logs.

Data Transfer: ELDs must be able to transfer data electronically via either a) a "telematics" approach capable of wireless Web service; or B) a "local" method capable of Bluetooth and USB 2.0 transfer.

In all circumstances, drivers must be able to show a roadside inspection officer a graph-grid of his/her hours of service compliance, either on the ELD's display or on a hardcopy paper printout.

Certification: Manufacturers are required to test and certify to FMCSA that their devices meet the new standards. FMCSA will create a public (i.e. Internet) registry of compliant devices and conduct tests to verify manufacturers' claims.

Harassment: The final rule includes several provisions to guard against harassment of drivers. Specifically, the rule prohibits motor carriers from using information from ELDs to pressure drivers into violating regulations. The final rule also requires ELDs to either automatically mute or allow a driver to turn off or mute the volume on the ELD (or the fleet management system with integrated ELD functionality) when they have logged into the sleeper berth status in the ELD. FMCSA also places restrictions on location precision (see above) and establishes a process for drivers to file harassment complaints related to ELDs. For answers to frequently asked ELD questions go to <https://www.fmcsa.dot.gov/hours-service/elds/faqs>

Off Duty Authorization for Meal and Routine Stops

The regulations allow for motor carriers to provide authorization to their drivers to log off duty for meal and routine stops. To authorize this activity the following is required:

The CMV must be parked in a safe and secure manner so as to prevent obstruction of traffic and theft or damage to the vehicle and cargo.

The off-duty period must be no less than 30 minutes and no longer than 60 minutes.

During the off-duty period, the driver is relieved from responsibility for the CMV and cargo.

During the off-duty period the driver is free to leave the premises on which the vehicle is parked and to pursue activities of the drivers choosing.

See Form 8-5.

Auditing Logs

Currently, the FMCSA regulations do not require that motor carrier audit drivers records of duty status. However, as a better business practice, it is recommended that all drivers' records of duty status be audited for compliance with the regulations. Auditing of the records can be accomplished with the use of software computer programs. The 11 hour, 14 hour, 60/70 and or 70/8 hour and speeding violations can easily be checked using a computer program. To monitor false record violations is more difficult and requires manual cross referencing of the duty of record status and supporting documents. The FMCSA defines supporting documents as the records of the motor carrier which are maintained in the ordinary course of business and used by the motor carrier to verify the information recorded on the driver's record of duty status. Examples are: bills of lading, carrier pros, freight bills, dispatch records, driver call-in records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, international registration plan receipts, international fuel tax agreement receipts, trip permits, port of entry receipts, cash advance receipts, delivery receipts, lumper receipts, interchange and inspection reports, lessor settlement sheets, over/

short and damage reports, agricultural inspection reports, CVSA reports, accident reports, telephone billing statements, credit card receipts, driver fax reports, on-board computer reports, border crossing reports, custom declarations, traffic citations, overweight/oversize reports and citations, and/or other documents directly related to the motor carrier's operation, which are retained by the motor carrier in connection with the operation of its transportation business. Supporting documents may include other documents which the motor carrier maintains and can be used to verify information on the driver's records of duty status. If these records are maintained at locations other than the principal place of business but are not used by the motor carrier for verification purposes, they must be forwarded to the principal place of business upon a request by an authorized representative of the FHWA or State official within 2 business days. Supporting documents like records of duty status (logs) are required to be maintained for 6 months.

By implementing a complete log auditing program, a motor carrier can determine their level of compliance with the FMCSA hours of service regulations and implement corrective action with those drivers who violate the regulations.

U.S. DEPARTMENT OF TRANSPORTATION

DRIVER'S DAILY LOG

(ONE CALENDAR DAY - 24 HOURS)

ORIGINAL - Submit to carrier within 13 days

DUPLICATE - Driver retains possession for eight days

(MONTH) (DAY) (YEAR)

(TOTAL MILES DRIVING TODAY)

VEHICLE NUMBERS - (SHOW EACH UNIT)

I certify these entries are true and correct:

(NAME OF CARRIER OR CARRIERS)

(DRIVER'S SIGNATURE IN FULL)

(MAIN OFFICE ADDRESS)

(NAME OF CO-DRIVER)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1: OFF DUTY																									
2: SLEEPER BERTH																									
3: DRIVING																									
4: ON DUTY (NOT DRIVING)																									
REMARKS	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	

Pro or Shipping No. _____

DRIVER'S TIME RECORD

Driver's Name (print) _____ Employee No. _____ Month _____ Year _____

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF "DRIVERS DAILY LOG" IF THE FOLLOWING APPLIES:

- * Operates within 100 air-mile radius of headquarters.
- * Returns to headquarters and is released from work within 12 consecutive hours.
- * At least 10 consecutive hours off duty separate each 12 hours of duty.

INTERMITTENT DRIVERS

Shall complete this form for 7 days preceding any day driving is performed.
This includes the preceding month.

Date	Start Time "All Duty"	End Time "All Duty"	Total Hours	Driving Hours	Truck Number	Headquarters
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

☐

To be prepared monthly by each DOT certified driver unless time record is exclusively kept on Driver's Daily Log. Indicate "days off". Check box if no driving is performed during this month and the first 7 days of the following month. Mail this report to your Division Manager of Administration.

SUMMARY OF HOURS WORKED AND HOURS AVAILABLE

This summary page may be used either separately or in conjunction with the REDI Recap section on the face of each record of duty status to assist the driver in computing his or her time. Entries should be made each day even though driver may not work on a particular day or days. The record of "Total On Duty Hours, under heading PREVIOUS MONTH'S REFERENCE representing the last 7 days previous month" right side of this page may be used to assist in computing the hours at the beginning of each month. These figures are necessary when using this page only or when recording hours of service on each record of duty status.

DATE	Hours Worked Today	Total Hours Last 6 Days	Total Hours Last 7 Days	Eligible Hours Tomorrow	PREVIOUS MONTH'S REFERENCE		
1					Date	Record of Duty Status No.	Total On Duty Hours
2							
3							
4							
5							
6							
7							
8							
9							
10						TOTAL	
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							

HOURS-OF-SERVICE RECORD FOR FIRST TIME OR INTERMITTENT DRIVERS

Instructions: When using a driver for the first time or intermittently, a signed statement must be obtained, giving the total time on duty (driving and on duty) during the immediate preceding seven days and the time at which the driver was last relieved from duty prior to beginning work.

Name (Print) _____

First
Middle
Last

DAY TOTAL TIME ON DUTY

1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____

TOTAL _____

I hereby certify that the information contained herein is true to the best of my knowledge and belief, and that my last period of release from duty was from

_____ to _____

(Hour/Date)
(Hour/Date)

Signature _____ Date _____

This letter authorizes our driver _____ to be Off-Duty during meal and other routine stops.

The purpose of the Federal Department of Transportation Hours of Service Regulations (Part 395) is to keep tired drivers from operating vehicles. Under certain circumstances, however, it appears that enroute stops for meals or other routine purposes may serve to lessen a driver's fatigue.

Therefore, this letter is authorization for you to record your meal or other routine stops on your logs as Off-Duty, rather than On-Duty Not Driving as would normally be the case. However, this may be done only under all of the following circumstances.

1. Your vehicle must be parked in a safe and secure manner so as to prevent obstruction of traffic and theft or damage to the vehicle and cargo.
2. The off-duty period must be no less than 30 minutes and no longer than 60 minutes.
3. During the off-duty period, you are relieved from responsibility from your vehicle and cargo.
4. During the off-duty period, you are free to leave the premises on which your vehicle is parked and to pursue activities of your choosing, as long as your ability to safely operate your vehicle is not impaired as required by Part 392, "Driving of Vehicles", of the Federal Motor Carrier Safety Regulations.

Driver Supervisor

Date

Driver Certification for Other Compensated Work

INSTRUCTIONS: When employed by a motor carrier, a driver must report to the carrier all on-duty time working for other employers. The definition of on-duty time found in Section 395.2 paragraphs (8) and (9) of the Federal Motor Carrier Safety Regulations includes time performing any other work in the capacity of or in the employment or service of, a common, contract or private motor carrier also performing any compensated work for any non-motor carrier entity.

(Check One)

Are you currently working for another employer?

☐ Yes ☐ No

At this time, do you intend to work for another employer while still employed by this company?

☐ Yes ☐ No

Driver Status: ☐ New employee ☐ Part-time ☐ Temporary

I hereby certify that the information given above is true and I understand that once I become employed with this company if I work for an additional employer(s) for compensation, I must inform this company immediately of such employment activity.

Driver's Signature

Driver's License No.

State

Date

Witnessed by: _____
Corporate Representative

Date

Chapter 9

Hazardous Materials

49 CFR 100-185

A motor carrier who transports hazardous materials (HM) needs to be completely knowledgeable of the HM regulations in 49 CFR 100-185. These regulations are very complicated. Due to the regulation requirements and the amount of liability exposure associated with the transportation of HM, it is recommended that careful consideration and assessment be completed before a motor carrier starts HM transportation. This chapter will address the basic responsibilities for a motor carrier transporting HM. The following will be reviewed:

- SHIPPING PAPERS
- PLACARDING
- LOADING AND UNLOADING
- COMPATIBILITY
- BLOCKING AND BRACING
- REGISTRATION
- SAFETY PERMITS
- INCIDENT REPORTING
- SECURITY PLAN
- EMPLOYEE TRAINING
- HM CDL ENDORSEMENT

Shipping Papers

Shipping paper requirements are contained in 49 CFR Part 172 Subpart C. For the purpose of the hazardous materials regulations, a shipping paper is any shipping document whose purpose is to communicate a hazard and conforms to the requirements contained in this Subpart. Each person who offers hazardous materials for transportation shall describe the hazardous materials on a shipping paper that conforms to the requirements of the HMR. No carrier may transport a hazardous material unless it is accompanied by a shipping paper that is prepared in accordance with the HMR.

The description of hazardous materials on a shipping paper is contained in section 172.202. The basic description now includes proper shipping name, hazard class, identification number, and packaging group. The class names, IMO class and division numbers, or subsidiary hazard classes may be entered in parentheses. Entries are required for number and type packaging and weight (net or gross).

Required retention of hazardous materials shipping papers is 1 year.

Placarding

General placarding requirements are contained in 49 CFR Subpart F Part 172. Each person who offers for transportation any hazardous materials subject to the HMR shall comply with the applicable placarding requirements. Applicability of placarding requirements 172.500: Placarding is not required for infectious substances, ORM-D, limited quantities, small quantity shipments, and combustible liquids in non-bulk packages. Placards may not be displayed on any packaging, freight container, unit load device, motor vehicle or rail car unless the placard represents a hazardous material loaded into or onto the conveyance unless the shipment is in accordance with the TDG Regulation, the IMDG Code or the UN Recommendations. As a rule of thumb, if the HM you are transporting is less than 1,001 lbs and is not listed as a Table 1 HM then the commodity can be transported without placards. Placardable HM shipments require that the appropriate placard be placed on both sides and ends of the vehicle.

Loading and Unloading

49 CFR Parts 174-177 contain additional requirements for transporting hazardous materials by rail, water, air and highway. Part 177 for highway contains a number of general and specific requirements for loading and unloading hazardous materials in 177.834-177.854. Refer to these regulations for additional requirements during the loading and unloading process such as smoking restrictions, setting of brakes, etc.

Blocking and Bracing

Hazardous materials packages should be secured in a transport vehicle to prevent damage during transportation. The motor carrier is responsible for blocking and bracing HM for shipment by highway. Therefore, a carrier who removes and or alters blocking and bracing material installed by the shipper is not necessarily in violation of federal law. If the hazardous materials leaks or spills during transport due to insufficient blocking and bracing, the motor carrier is at fault.

Compatibility

Both shippers and carriers are responsible for compatibility. The requirement for shippers to comply with compatibility considerations is contained in 49 CFR 173.22. To determine compatibility for shipments by highway, shippers and carriers should refer to 49 CFR 177.848 - Segregation of hazardous materials.

Registration

A motor carrier who, between July 1 of a year and June 30 of the following year, offers or transports in commerce any of the following categories of hazardous materials (including hazardous wastes) must register for that twelve-month period (Note: the letters identifying each of the following sections represents the “category” of activity used on the Registration Statement):

- A. A highway route controlled quantity of a Class 7 (radioactive) material, as defined in 49 CFR 173.403.
- B. More than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material (see 49 CFR 173.50) in a motor vehicle, rail car, or freight container.
- C. More than one liter (1.06 quarts) per package of a “material extremely toxic by inhalation” (that is, a “material poisonous by inhalation,” as defined in 49 CFR 171.8, that meets the criteria for “hazard zone A” as specified in 49 CFR 173.116(a) for gases or 173.133(a) for liquids).
- D. A hazardous material (including hazardous wastes) in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids. Please note that under this provision persons who offer or transport hazardous materials that do not require placarding (that is, Class 9 materials) in a bulk packaging with a capacity greater than 3,500 gallons or 468 cubic feet, must register.
- E. A shipment in other than a bulk packaging of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous materials (including hazardous wastes) for which placarding of a vehicle, rail car, or freight container is required for that class.
- F. A quantity of hazardous material that requires placarding. The offering and transporting of hazardous materials by farmers in direct support of their farming operations are excepted from this category of activities requiring registration. See the section “Requirements for Farmers” on the next page.

Registration options:

Do-it-yourself online registration: <https://csa.fmcsa.dot.gov/safetyplanner/MyFiles/Sections.aspx?ch=25&sec=82>

Form & Instructions: (617) 494-2545 OR <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/registration/18286/201718fillablefinal.pdf>

Information: (202) 366-4109

General HazMat Info: (800) 467-4922

Expedited Registration: (800) 942-6990

See Form 9-1.

HM Safety Permits

49 CFR 385.400

After January 1, 2005, the Federal Motor Carrier Safety Administration (FMCSA) requires motor carriers to obtain a Hazardous Materials Safety Permit (HMSP) prior to transporting certain highly hazardous materials. An HMSP is required to transport any of the following materials:

A highway route-controlled quantity of a Class 7 (radioactive) material;

More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material or an amount of a Division 1.5 (explosive) material requiring placarding under 49 CFR 172;

More than one liter (1.08 quarts) per package of a “material poisonous by inhalation,” that meets the criteria for “hazard zone A”;

A “material poisonous by inhalation,” that meets the criteria for “hazard zone B,” in a bulk packaging (capacity greater than 460 L (119 gallons));

A “material poisonous by inhalation,” that meets the criteria for “hazard zone C,” or “hazard zone D,” in a packaging having a capacity equal to or greater than 13,248 L (3,500 gallons);
or

A shipment of compressed or refrigerated liquefied methane or liquefied natural gas, or other liquefied gas with a methane content of at least 85 percent, in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons).

Motor carriers will be required to apply for a HMSP the next time they are scheduled to file the MCS-150 form after January 1, 2005. All motor carriers, including interstate, intrastate and foreign carriers must comply with this regulation. For more information you may call 202-366-6121.

Incident Reporting

Immediate notification of a hazardous materials incident by a carrier is required at the earliest practical moment for incidents that occur during the course of transportation (including loading, unloading, and temporary storage) in which as a direct result of the hazardous materials any one or more of the following occurs:

A person is killed;

A person receives an injury requiring admittance to a hospital;

The general public is evacuated for one hour or more;

A major transportation artery or facility is closed or shut down for one hour or more;

Fire, breakage, spillage, or suspected radioactive contamination occurs involving a radioactive material;

Fire, breakage, spillage, or suspected contamination occurs involving an infectious substance other than a diagnostic specimen or regulated medical waste;

A release of a marine pollutant occurs in a quantity exceeding 450L (119 gallons) for a liquid or 400 kg (882 pounds) for a solid; or

A situation exists of such a nature (e.g., a continuing danger to life exists at the scene of the incident) that, in the judgment of the person in possession of the hazardous material, it should be reported to the National Response Center even though it does not meet the other criteria.

Each notice shall be given telephonically to the Department at (800) 424-8802. Incidents involving etiologic agents may be made to the CDC at (800) 232-0124. For content of report and additional information, please see 171.15.

A written report shall be submitted on DOT Form F 5800.1 for all incidents involving the transportation of hazardous materials unless excepted. Detailed reporting requirements are contained in 171.16.

Security Plan

Components of a security plan.

The security plan must include an assessment of possible transportation security risks for shipments of the hazardous materials listed in §172.800 and appropriate measures to address the assessed risks. Specific measures put into place by the plan may vary commensurate with the level of threat at a particular time. At a minimum, a security plan must include the following elements:

Personnel security. Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. Such confirmation system must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy.

Unauthorized access. Measures to address the assessed risk that unauthorized persons may gain access to the hazardous materials covered by the security plan or transport conveyances being prepared for transportation of the hazardous materials covered by the security plan.

En route security. Measures to address the assessed security risks of shipments of hazardous materials covered by the security plan en route from origin to destination, including shipments stored incidental to movement.

The security plan must be in writing and must be retained for as long as it remains in effect. Copies of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. The security plan must be revised and updated as necessary to reflect changing circumstances. When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision.

Employee Training

172.704 Training requirements.

Hazmat employee training must include the following:

General Awareness/Familiarization Training

Each hazmat employee shall be provided general awareness/familiarization training designed to provide familiarity with the requirements of CFR 172.704, and to enable the employee to recognize and identify hazardous materials consistent with the hazard communication standards of this CFR.

Function-Specific Training

Each hazmat employee must be provided function-specific training concerning requirements of CFR 172.704, or exemptions or special permits issued according to CFR 172.704 that are specifically applicable to the functions the employee performs.

Safety Training

Each hazmat employee shall receive safety training concerning:

Emergency response information required by Subpart G of Part 172;

Measures to protect the employee from the hazards associated with hazardous materials to which they may be exposed in the work place, including specific measures the hazmat employer has implemented to protect employees from exposure; and

Methods and procedures for avoiding accidents, such as the proper procedures for handling packages containing hazardous materials.

Security Awareness Training

No later than the date of the first scheduled recurrent training after March 25, 2003, and in no case later than March 24, 2006, each hazmat employee must receive training that provides an awareness of security risks associated with hazardous materials transportation and methods designed to enhance transportation security. This training must also include a component covering how to recognize and respond to possible security threats. After March 25, 2003, new hazmat employees must receive the security awareness training required within 90 days after employment.

In-Depth Security Training

By December 22, 2003, each hazmat employee of a person required to have a security plan must be trained concerning the security plan and its implementation. Security training must include company security objectives, specific security procedures, employee responsibilities, actions to take in the event of a security breach, and the organizational security structure.

Initial and recurrent training

A new hazmat employee or a hazmat employee who changes job functions may perform those functions prior to the completion of training provided:

The employee performs those functions under the direct supervision of a properly trained and knowledgeable hazmat employee; and

The training is completed within 90 days after employment or a change in job function.

- (1) Recurrent training. A hazmat employee shall receive the training required by this subpart at least once every three years.
- (2) Relevant Training. Relevant training received from a previous employer or other source may be used to satisfy the requirements of this subpart provided a current record of training is obtained from hazmat employees' previous employer.
- (3) Compliance. Each hazmat employer is responsible for compliance with the requirements of this subchapter regardless of whether the training required by this subpart has been completed.
- (4) Recordkeeping. A record of current training, inclusive of the preceding three years, in accordance with this section shall be created and retained by each hazmat employer for as long as that employee is employed by that employer as a hazmat employee and for 90 days thereafter. The record shall include:
 - (1) The hazmat employee's name;
 - (2) The most recent training completion date of the hazmat employee's training;
 - (3) A description, copy, or the location of the training materials used to meet the requirements in paragraph (a) of this section;
 - (4) The name and address of the person providing the training; and
 - (5) Certification that the hazmat employee has been trained and tested, as required by this subpart.

CDL HM Endorsement Security Threat Assessment

States are prohibited from issuing or renewing a CDL with HM Endorsement unless the Transportation Security Administration (TSA) has conducted a security threat assessment and determined the applicant does not pose a security risk

HM endorsement holder is notified at least 60 days prior to expiration of CDL or endorsement

File renewal application at least 90 days prior to expiration date, go to **www.hazprints.com** to start the process

A driver being convicted of any of the following crimes will be disqualified from being eligible for a hazmat endorsement:

Terrorism	Murder	Assault with intent to murder
Espionage	Sedition	Kidnapping or hostage-taking
Treason	Extortion	Rape or aggravated sexual abuse
Robbery	Arson	Bribery
Smuggling	Immigration violations	

RICO (Racketeer Influenced and Corrupt Organizations Act) violations.

Unlawful possession, use, sale, distribution, or manufacture of an explosive device, firearm, or other weapon.

Distribution of, intent to distribute, possession, or importation of a controlled substance.

Dishonesty, fraud, or misrepresentation, including identity fraud.

Crimes involving a severe transportation security incident.

Improper transportation of a hazardous material.

Conspiracy or attempt to commit any of these crimes.

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Hazardous Materials Registration Statement

(Please type or print all responses)

1. Type of Registration

☐ Initial Registration ☐ Renewal of Registration ☐ Amendment to Registration

Current Registration #

2. Registrant

(Company Name)

3. Mailing Address of Principal Place of Business**Physical Address** (if different)

Street _____ Street _____

City _____ County _____ City _____ County _____

State _____ Zip Code _____ Country _____ State _____ Zip Code _____ Country _____

4. Registrant's USDOT Number, MC/MX Number, or Railroad Alphabetic Code (if applicable)

USDOT# _____ MC/MX # _____ Railroad Alphabetic Code _____

5. Mode(s) Used to Transport Hazardous Materials ☐ Highway ☐ Rail ☐ Water ☐ Air**6. Business Category** (determined by answering a through c below)

a) North American Industry Classification System (NAICS) Code for Primary Business Activity

b) Using SBA size standard for the NAICS Code entered above (mark one)

☐ Small Business as defined by SBA ☐ Not a SBA Small Business

c) Not-for-Profit Organization under 26 U.S.C. 501(a) ☐ Yes ☐ No

7. Registration Period

From July 1, 20_____, To June 30, 20_____

8. Registration Fees

See Table of Fees on page 7. All fees include the appropriate processing fee.

Total Amount Due for this Registration _____

Please make check or money order in U.S. funds, drawn on a U.S. bank, payable to "U.S. Department of Transportation," and identified as payment of the "Hazmat Registration Fee."

Credit and debit cards are accepted online only.

If you need further assistance, please call 1-800-942-6990.

9. Prior-Year Survey Information. Mark all categories and activities engaged in during the previous calendar year (e.g., 2016 for the 2017-2018 Registration Year) and the state(s) in which you operated (see instructions).

Category	Activity Offered or transported in commerce;	Mark all that apply "X"		
		Shipper	Carrier	Other (Freight Forwarder, Agent, etc.)
A <input type="checkbox"/>	a highway route controlled quantity of a Class 7 (radioactive) material.			
B <input type="checkbox"/>	more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.			
C <input type="checkbox"/>	more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone A).			
D <input type="checkbox"/>	a hazardous material (including hazardous wastes) in a bulk packaging (see 49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.			
E <input type="checkbox"/>	a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including hazardous wastes) for which placarding of a vehicle, rail car, or freight container is required.			
F <input type="checkbox"/>	a shipment of a quantity of hazardous material (including hazardous wastes) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, other than those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 107.601(b)			

G ☐ Did not engage in any of the activities listed in A through F during the previous calendar year.

Select States in which any of the above were engaged in during the past calendar year (see instructions).

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

10. Certification of Information. I certify that, to the best of my knowledge, the above information is true, accurate, and complete.

Certifier's Name _____ Phone (_____) _____ - _____
(Print clearly)

E-mail _____

Certifier's Signature _____ Date _____

FALSE STATEMENTS MAY VIOLATE FEDERAL LAW (18 U.S.C. 1001).

**MAIL COMPLETED FORM
WITH PAYMENT TO:**

U.S. Department of Transportation
Hazardous Materials Registration
PO Box 530273
Atlanta, GA 30353-0273

Please retain a copy of this form for your records.

Notice to Customers Making Payment by Check

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep the copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to 2 times.

The current registration fees were established in a Final Rule published in the Federal Register on March 30, 2010. This rule established fees for registration years 2010-2011 and following. The fees for registration year between 1992-1993 and 2009-2010 remain as previously established.

One, two, or three year periods of registration are permitted for years beginning July 1, 2000, and later. The fees for all possible registration periods and business types are listed in the table below. All fees include the appropriate processing fee. If you are a not-for-profit organization registering for 2001-2004, 2002-2004 or 2002-2005, you must pay the fee in the column titled "Small Business/Non-Profit" if you meet the SBA size standard for a small business, and the fee in the column titled "Not-Small Business/Non-Profit" if you do not meet that standard.

Registration Period	Business Categories	
	Small Business Non-Profit	Not-Small Business
2016-2017 (1 year)	\$275	\$2,600
2016-2018 (2 years)	\$525	\$5,175
2016-2019 (3 years)	\$775	\$7,750
2015-2016 (1 year)	\$275	\$2,600
2015-2017 (2 years)	\$525	\$5,175
2015-2018 (3 years)	\$775	\$7,750
2014-2015 (1 year)	\$275	\$2,600
2014-2016 (2 years)	\$525	\$5,175
2014-2017 (3 years)	\$775	\$7,750
2013-2014 (1 year)	\$150	\$1,325
2013-2015 (2 years)	\$400	\$3,900
2013-2016 (3 years)	\$650	\$6,475
2012-2013 (1 year)	\$275	\$2,600
2012-2014 (2 years)	\$400	\$3,900
2012-2015 (3 years)	\$650	\$6,475
2011-2012 (1 year)	\$275	\$2,600
2011-2013 (2 years)	\$525	\$5,175
2011-2014 (3 years)	\$650	\$6,475
2010-2011 (1 year)	\$275	\$2,600
2010-2012 (2 years)	\$525	\$5,175
2010-2013 (3 years)	\$775	\$7,750
2009-2010 (1 year)	\$275	\$1,000
2009-2011 (2 years)	\$525	\$3,575
2009-2012 (3 years)	\$775	\$6,150
2008-2009 (1 year)	\$275	\$1,000
2008-2010 (2 years)	\$525	\$1,975
2008-2011 (3 years)	\$775	\$4,550
2007-2008 (1 year)	\$275	\$1,000
2007-2009 (2 years)	\$525	\$1,975
2007-2010 (3 years)	\$775	\$2,950
2006-2007 (1 year)	\$275	\$1,000
2006-2008 (2 years)	\$525	\$1,975
2006-2009 (3 years)	\$775	\$2,950
2005-2006 (1 year)	\$150	\$300
2005-2007 (2 year)	\$400	\$1,275
2005-2008 (3 years)	\$650	\$2,250
2004-2005 (1 year)	\$150	\$300
2004-2006 (2 year)	\$275	\$575
2004-2007 (2 years)	\$525	\$1,550
2003-2004 (1 year)	\$150	\$300
2003-2005 (2 years)	\$275	\$375
2003-2006 (3 years)	\$400	\$850

Chapter 10

Establishing a Pro Active Safety and Loss Control Program

To have an effective safety and loss control program, you need to move beyond mere compliance with the regulations. If the only focus of your safety program is to comply with the regulations eventually you will find that the profitability of your company will be compromised by your safety program. Your program should not only be concerned with compliance but profitability of your company and controlling the liability exposures that exist with operating CMV's. The cliché "SAFETY PAYS" is true in each and every one of our operations. It is difficult to view a safety program as something tangible, linking it to profitability a risk exposure. Why did that accident happen? You can make your safety program tangible through investigation, analysis, and documentation. Through a comprehensive analysis program it will become obvious to you what action needs to be taken to reduce losses and control costs. To manage an effective safety program that is in full compliance and is operating with the least amount of cost and exposure requires that your program be proactive. Through orientation, training, recognition and analysis you will not only be able to keep your losses to a minimum but will also be able to measure your progress from year to year with tangible information.

Safety Culture

In order for any safety program to be successful, everyone in your operation has to be in full support of the program. The support has to be from the top to the bottom. Management and ownership need to hold all employees responsible for safety. If the operations department is not supporting the safety program then the success will be limited. There needs to full support and demonstration by all employees of the safety program.

Policies and Procedures

Written policies and procedures are the backbone of the safety program. They are the communication guidelines that we follow to ensure consistency in the administration of the program for all employees to follow. It is much more difficult to administer a safety program where there are no written policies or procedures in place.

Safety Policy Statement

This statement sets the tone for your safety culture and outlines what role safety plays in your organization. The safety policy statement should include the following basic principles:

1. The protection of the public.
2. The safety and health of every employee.

3. Identification and correction of hazards.
4. Safety shall be given priority, especially over shortcuts and/or expediciencies.
5. There shall be no compromise of rules and procedures whenever safety is involved.
6. All the employees of the company shall comply with safety, health and environmental laws and regulations.

The safety policy statement should be signed by the highest ranking official of the company and should be distributed to all employees and proudly displayed.

Throughout every facet of your safety program you will find the need to develop policies and procedures. Use your safety policy statement as the litmus test to make sure the direction of the policies meets your company's core safety requirements. All policies before being implemented should be scrutinized for strict adherence. If you are developing a policy that you cannot always comply with then change the policy. It is better to have no policy than a policy that no one abides by. It is recommended that all policies be reviewed by a labor attorney for compliance with federal, state and local laws before the policy is put into place.

Common policies in an effective safety and loss control program would include but not limited to:

- Driver selection standards
- MVR violation's
- Accident reporting
- Hours of service violation's
- Injury and Illnesses
- Equipment
- Drug and Alcohol
- Termination

Driver's Safety Manual

A Driver's Safety Manual should provide the driver with a copy of the written policies and procedures for their operations. Many companies over the years have developed manuals and I caution you from adopting another company's manual. The manual should specifically address your operation in its entirety. The manual should be reviewed with all new drivers upon hire. At the end of the manual it is recommended that the manual include a signed receipt from the driver that the manual was reviewed with the driver and it not to be understood as a contract of employment. Any changes to the manual should be provided to all drivers with a signed receipt. Here again, your labor attorney should review that manual prior to use.

Driver Orientation

For all new drivers, you need to explain the rules of the game before they play! The length of your driver orientation may vary do to the size of your operations, the equipment that the driver is being asked to operate, and related tasks. An orientation checklist is recommended to insure consistency

and quality in your orientation. Orientation can include items such as:

- Review of Drivers Safety Manual
- Review of all company policies and procedures
- Benefits
- Wages
- Compliance with Federal and State Regulations
- Vehicles and equipment being operated
- Introduction to fellow employees and supervisors
- Tour of terminal
- Supervisor ride-a-long

Training

There are many different types of training that are part effective safety and loss control program. The training should include:

- New Hire
- Entry Level Driver
- Management/Supervisor,
- Compliance
- Defensive Driver
- Remedial

New Hire

New hire training should be part your orientation program for drivers and safety program personnel alike. This training should cover all aspects of the safety program and its requirements. All training should be documented and certification issued.

Management/Supervisor Training

Training for supervisors or management is generally obtained outside of the work environment. The two training programs for transportation safety managers that are recommended:

National Private Truck Council (NPTC)

Certified Transportation Professional (CTP)

The CTP is a comprehensive certification process on the five core disciplines of transportation management including, Safety, Finance, Operations, Human Resources and Maintenance.

To enroll for certification contact the NPTC at: **www.nptc.org**

North American Transportation Management Institute (NATMI)
Certified Director of Safety (CDS)

To enroll for certification contact NATMI at: **www.natmi.org**

Compliance Training

In addition to “Entry Level Driver” training, drivers who are transporting HM are required to complete both General Awareness and Function Specific training as outlined in Chapter 9 of this manual.

Defensive Driver Training

Defensive driver training is a pro-active approach to reducing accidents and losses. This can be accomplished through class room instruction, DVD’s, online, and simulator training. There are a number of established training programs in the industry including the Smith System and the National Safety Council.

Remedial Training

Remedial training is training required to be completed by an employee who was involved in an unsafe act and is being retained by the employer. The training is specific to the unsafe act to prevent reoccurrence.

Analysis

On going analysis in your safety program provides the tangible information that you can use to measure the progress of your program. It also provides “Red Flags” or awareness to certain areas of your program that need attention. Training can then be inserted and the analysis continues monitoring the success of the training. An effective safety program will have on going internal and external analysis.

Internal Analysis

Accident Frequency

To calculate your accident frequency rate complete the following:

Number of accidents in a period of time (Year) X 1,000,000 divided by the total number of miles operated in that period. This will give you accident frequency per million miles. You can complete accident frequency rates for DOT recordable, DOT preventable recordable, and all accidents and incidents regardless of severity.

Other Internal Analysis:

- Hours of service violations
- Injury and Illnesses
- Cargo losses
- Driver Turnover

External Analysis

FMCSA Safer and CSA Program

The FMCSA maintains a company safety profile (CSP) on each motor carrier with a USDOT number. The CSP contains specific information about the motor carrier that was provided to them on the MCS 150. The CSP accumulates information from the state carrier enforcement agencies, law enforcement officials and audits completed by the FMCSA. Information is downloaded from the states and is updated every 2 to 3 days. All of the information is available in its entirety to the motor carrier and can be obtained on line or mail. A “snap shot” of all motor carriers with a USDOT number CSP is available to the general public and is available on line at <https://safer.fmcsa.dot.gov/CompanySnapshot.aspx>

Compliance, Safety and Accountability (CSA) With Compliance, Safety, Accountability (CSA), the Federal Motor Carrier Safety Administration (FMCSA), together with State Partners and industry, is working to prevent commercial motor vehicle (CMV) crashes, fatalities, and injuries on our nation's highways. Administration (FMCSA) initiative to improve large truck and bus safety and ultimately reduce crashes, injuries, and fatalities that are related to commercial motor vehicles. It introduces a new enforcement and compliance model that allows FMCSA and its State Partners to contact a larger number of carriers earlier in order to address safety problems before crashes occur. Rolled out in December 2010, the program establishes a nationwide system for making the roads safer for motor carriers and the public alike!

In the development of the CSA program, FMCSA sought to incorporate several key attributes.

FLEXIBILITY - Adapt to a Changing Environment. Accommodates changes to the transportation environment, such as evolutions in technology and changes in programmatic responsibilities.

EFFICIENCY - Maximize Use of Resources. Improves Federal and State enforcement staff productivity, as well as the safety performance of members of the motor carrier community.

EFFECTIVENESS - Improve Safety Performance. Identifies behaviors associated with safety risk; focuses compliance, enforcement, and remediation efforts on those unsafe behaviors.

INNOVATION - Leverage Data and Technology. Improves safety through the innovative use of technology to track and update safety performance data.

EQUITABILITY - Be Fair and Unbiased. Assesses and evaluates motor carrier safety and enforces Federal laws and safety regulations to ensure consistent treatment of similarly situated members of the motor carrier community.

CSA is a monthly report that scores a carriers violation activity into seven basics:

Unsafe Driving - Operation of commercial motor vehicles (CMVs) by drivers in a dangerous or careless manner. Example violations: Speeding, reckless driving, improper lane change, and inattention. (FMCSR Parts 392 and 397)

Hours-of-Service (HOS) Compliance - Operation of CMVs by drivers who are ill, fatigued, or in non-compliance with the HOS regulations. This BASIC includes violations of regulations pertaining to records of duty status (RODS) as they relate to HOS requirements and the management of CMV driver fatigue Example violations: HOS RODS, and operating a CMV while ill or fatigued. (FMCSR Parts 392 and 395)

Driver Fitness - Operation of CMVs by drivers who are unfit to operate a CMV due to lack of training, experience, or medical qualifications. Example violations: Failure to have a valid and appropriate commercial driver's license (CDL) and being medically unqualified to operate a CMV. (FMCSR Parts 383 and 391)

Controlled Substances/Alcohol - Operation of CMVs by drivers who are impaired due to alcohol, illegal drugs, and misuse of prescription or over-the-counter medications. Example violations: Use or possession of controlled substances/alcohol. (FMCSR Parts 382 and 392)

Vehicle Maintenance - Failure to properly maintain a CMV and/or properly prevent shifting loads. Example violations: Brakes, lights, and other mechanical defects, failure to make required repairs, and improper load securement. (FMCSR Parts 392, 393 and 396)

Hazardous Materials (HM) Compliance - Unsafe handling of HM on a CMV. Example violations: Release of HM from package, no shipping papers (carrier), and no placards/markings when required. (FMCSR Part 397 and Hazardous Materials Regulations Parts 171, 172, 173, 177, 178, 179, and 180) SCORE RESTRICTED FROM PUBLIC VIEW

Crash Indicator - Histories or patterns of high crash involvement, including frequency and severity. It is based on information from State-reported crashes. SCORE RESTRICTED FROM PUBLIC VIEW

To view your monthly CSA report go to: <https://csa.fmcsa.dot.gov/>

Other External Analysis

Your insurance provider can also assist you with external analysis information such as loss runs on a regular basis.

FMCSA Compliance, Safety and Accountability CSA

CSA re-engineers the former enforcement and compliance process to provide a better view into how well large commercial motor vehicle carriers and drivers are complying with safety rules, and to intervene earlier with those who are not. Rolled out in December 2010, the program establishes a new enforcement and compliance Operational Model that will utilize the Federal Motor Carrier Safety Administration's (FMCSA) resources, and those of its State enforcement partners, more efficiently and effectively, making the roads even safer for everyone.

The new CSA Operational Model has three major components:

- **Measurement** - CSA measures safety performance, using inspection and crash results to identify carriers whose behaviors could reasonably lead to crashes.
- **Evaluation** - CSA helps FMCSA and its State Partners to correct high-risk behavior by contacting more carriers and drivers—with interventions tailored to their specific safety problem, as well as a new Safety Fitness Determination methodology.
- **Intervention** - CSA covers the full spectrum of safety issues, from how data is collected, evaluated, and shared to how enforcement officials can intervene most effectively and efficiently to improve safety on our roads.

FMCSA carefully planned and developed CSA over the past few years. The first step involved a thorough review of the agency's compliance review process, followed by the development of the Safety Measurement System (SMS) that uses all roadside inspection and crash data and the development of a new interventions toolbox to deal efficiently and effectively with safety problems of various natures and different levels (as identified in the SMS). In addition, the CSA model includes a change to the Safety Fitness Determination (SFD), also tied to SMS results.

The expanded suite of intervention tools enable investigators to systematically evaluate why safety problems are occurring in order, to recommend remedies, encourage corrective action(s), and, where corrective action is inadequate, invoke strong penalties. The new SMS and interventions toolbox were tested in Colorado, Georgia, Missouri, and New Jersey starting in February 2008. Testing expanded to add Delaware, Kansas, Maryland, Minnesota and Montana in 2009.

Feedback from enforcement staff and carriers indicate that the new model is both efficient, reaching more carriers, and effective, with some carriers undertaking proactive efforts to learn more and correct their safety problems.

To check any motor carrier's CSA data go to the FMCSA website: **<http://ai.fmcsa.dot.gov/sms>**

New Entrant Audit

CFR 385.307

Effective December 16, 2009 the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) began enforcing its New Entrant Safety Assurance Process rule, which requires newly registered truck and bus companies to meet stricter safety requirements. This final rule raises the compliance standards for passing new entrant safety audits and requires that new carriers correct safety deficiencies before being granted permanent registration. Under the new requirements, a newly registered truck or bus company will automatically fail its safety audit if violations of any one of 16 essential federal regulations are discovered. These regulations cover controlled substances and alcohol testing, hours-of-service rules, driver qualifications, vehicle condition and carrier insurance responsibility.

New Entrant Audits are conducted by the FMCSA within 18 months of a new carrier being issued their US DOT number.

If a new entrant violates any of the following 16 regulations they will fail the audit.

If a carrier fails the audit they will have 60 days to correct the violation(s) and only 45 days if transporting HM or passengers.

If any single of the following regulations are discovered during the audit it will be an automatic revocation of authority

1. **CFR 382.115(a)/§ 382.115(b)**—Failing to implement an alcohol and/or controlled substances testing program (domestic and foreign motor carriers, respectively)
2. **CFR 382.201**—Using a driver known to have an alcohol content of 0.04 or greater to perform a safety-sensitive function.
3. **CFR 382.211**—Using a driver who has refused to submit to an alcohol or controlled substance test required under part 382.
4. **CFR 382.215**—Using a driver known to have tested positive for a controlled substance.
5. **CFR 382.305**—Failing to implement a random controlled substances and/or alcohol testing program.
6. **CFR 383.3(a)/§ 383.23(a)**—Knowingly using a driver who does not possess a valid CDL.
7. **CFR 383.37(a)**—Knowingly allowing, requiring, permitting, or authorizing an employee with a commercial driver's license which is suspended, revoked, or canceled by a State or who is disqualified to operate a commercial motor vehicle.
8. **CFR 383.51(a)**—Knowingly allowing, requiring, permitting, or authorizing a driver to drive who is disqualified to drive a commercial motor vehicle.
This violation refers to a driver operating a CMV as defined under § 383.5.
9. **CFR 387.7(a)**—Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.
10. **CFR 387.31(a)**—Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility.
11. **CFR 391.15(a)**—Knowingly using a disqualified driver.
12. **CFT 391.11(b)(4)**—Knowingly using a physically unqualified driver.
This violation refers to a driver operating a CMV as defined under § 390.5.

13. CFR 395.8(a)—Failing to require a driver to make a record of duty status (Requires a violation threshold (51% or more of examined records) to trigger automatic failure).
14. CFR 396.9(c)(2)—Requiring or permitting the operation of a commercial motor vehicle declared “out-of-service” before repairs are made.
15. CFR 396.11(c)—Failing to correct out-of-service defects listed by driver in a driver vehicle inspection report before the vehicle is operated again.
16. CFR 396.17(a)—Using a commercial motor vehicle not periodically inspected (Requires a violation threshold 51% or more of examined records to trigger automatic failure).

FMCSA believes this rule will improve the Agency’s ability to identify at-risk new entrant carriers and ensure deficiencies in basic safety management controls are corrected before the new entrant is granted permanent registration. These changes do not impose additional regulatory requirements on any new entrant carrier because these carriers are already required to comply with all applicable rules.

As a “new entrant” motor carrier you can get more information by going to <https://ai.fmcsa.dot.gov/newentrant/Home.aspx>.

FMCSA Compliance Review Process

CFR 385

Compliance review means an on site examination of motor carrier operations, such as drivers’ hours of service, maintenance and inspection, driver qualification, commercial driver’s license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard. A compliance review may be conducted in response to a request to change a safety rating, to investigate potential violations of safety regulations by motor carriers, or to investigate complaints, or other evidence of safety violations. The compliance review may result in the initiation of an enforcement action. During the review process six factors are evaluated and the carrier accessed a rating. The factors are as follows:

Factor 1 Financial Responsibility and Accident Recording.

Factor 2 Driver Qualification, Drug and Alcohol Testing and CDL Qualifications

Factor 3 Hours of Service and Driving of CMVs

Factor 4 Maintenance and Inspection

Factor 5 Hazardous Materials

Factor 6 DOT Recordable Accident Frequency Rate

Ratings

Satisfactory safety rating means that a motor carrier has in place and functioning adequate safety management controls to meet the safety fitness standard prescribed in CFR 385.5. Safety management controls are adequate if they are appropriate for the size and type of operation of the particular motor carrier.

Conditional safety rating means a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in occurrences listed in CFR 385.5.

Unsatisfactory safety rating means a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard which has resulted in occurrences listed in CFR 385.5.

Unrated carrier means that a safety rating has not been assigned to the motor carrier by the FMCSA.

Safety Meetings

Safety Meetings provide clear and concise communication to your drivers and employees. A Safety meeting also provides a heightened sense of safety awareness of the safety exposures that exist in your operation. To conduct a successful safety meeting:

Use the analysis of your safety program to determine the meeting topic, review safer and CSA for meeting topics.

Limit the meeting to a specific topic, i.e., hours of service, pre-trip driver vehicle inspections, etc. Provide the meeting topic to your drivers in advance.

Review the material and presentation prior to the meeting to become familiar with the material.

Schedule the meeting with an exact start and finish time to allow drivers to plan around meeting.

Keep the meeting on the topic and do not let the meeting go astray, advise the drivers that you will be available after the meeting to answer their questions.

Keep meeting time to two hours or less.

Send meeting agenda to drivers at least two weeks in advance.

Recognition/Awards

It is important that we recognize those drivers who have performed in a safe and compliant manner. Recognition awards are best used for safe driving. A recognition award should be an award that the driver or employee cannot get anywhere else. It is best if these awards are personalized. Benefits of recognition award are that they are non-monetary and have a longer lasting effect. These awards can be further enhanced by presenting award group presentations with peers (i.e. meetings, banquets, etc.).

There are a number of state and nationwide association awards also that you can enroll your drivers in.

Incentive Awards

Incentive monetary awards are best used when you are trying to motivate a driver or employee. The most successful use of this award can be seen for improving fuel mileage and completing a roadside inspection without violation.

Driver's Safety Record

Name: _____ Date of Employment: _____

COMMENDATIONS		
Date	Award/Recognition From	Description

COMPANY INFRACTIONS		
Date	Issue	Description

VIOLATIONS		
Date	State	Violation Type & Description

ACCIDENTS				
Date	Location	DOT Rec.	Preventable	Description

Resources:

Idealease

Idealease of North America

430 N. Rand Road
North, Barrington, IL 60010
847-304-6000

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue, SE
Suite W60-300,
Washington, DC 20590

FMCSA Information Line

U.S. DOT Numbers
Status of DOT Numbers
Operating Authority Information
Safety Ratings
Insurance Filing Information
1-800-832-5660

FMCSA Service Center Locations Address Territory Included

Eastern Service Center

31 Hopkins Plaza, Suite 800
Baltimore, MD 21201
Phone: (443) 703-2240
Fax: (443) 703-2253
CT, DC, DE, MA, MD, ME, NJ, NH, NY, PA, PR, RI, VA, VT, WV

Midwestern Service Center

4749 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443
Phone: (708) 283-3577
Fax: (708) 283-3579
IA, IL, IN, KS, MI, MO, MN, NE, OH, WI

Southern Service Center

61 Forsyth St, SW Suite 3M40
Atlanta, GA 30303
Phone: (404) 327-7400
Fax: (404) 327-7349
AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN,

Western Service Center Golden Hills Office Centre

12600 West Colfax Avenue, Suite B-300
Lakewood, CO 80215
Phone: (303) 407-2350
Fax: (303) 407-2339
American Samoa, AK, AZ, CA, CO, Guam, HI, ID, Northern Mariana
Islands, MT, ND, NM, NV, OR, SD, TX, UT, WA, WY



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