

# Keep On Truckin Qualification, Compliance, & ELD's



## How Trucking Regulations Apply to Insulation Contractors



# Agenda

- Today we'll cover –
  - Why should I care about trucking regulations?
  - Who is considered a “Motor Carrier”
  - Requirements for compliance
  - Where to find answers
- Today's Goal – provide an overview of the FMCSA Regulations and how they apply to Contractors

# Why Should I Care?

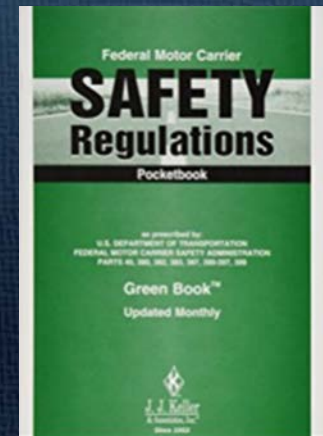
- It's the law!
- Considered minimum safety practices
- Breaking the law exposes risk
  - Financial
  - Jail!
- Don't put yourself into a situation of having to explain Magic Grits!

# Why Should I Care?



# Federal Motor Carrier Safety Regulations

- Parts that require ACTION &/OR RECORDKEEPING
  - Part **380** - Special Training Requirements
  - Part **390** – General Requirements
  - Part **391** - Driver qualifications
  - Part **392** - Driving of CMVs (Driver responsibility)
  - Part **395** - Hours of service
  - Part **396** - Inspection, repair, maintenance
  - Part **382** - Controlled substances, alcohol



# What is a “Motor Carrier”

## Key Definitions – 390.5

- **‘Motor carrier’**
  - includes a company’s agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees
- **‘Commercial Motor Vehicle’ (CMV)**
  - 10,001+ GCVWR
  - Hazmat in placard quantities
- **‘Driver’** –
  - Person who operates a CMV
- **Inter-state v. intra-state**
  - All states adopted Federal rules as State rules
- **Summarize:** If you operate CMV you are a ‘motor carrier’



“The rules ... are applicable to all employers, employees, and commercial motor vehicles which transport property ... in interstate commerce.” – FMCSR 390.3(a)

# General Requirements for Compliance Part 390

- State licensing, registration & insurance
- USDOT number
- Vehicle marking – FMCSR 390.21
- Correct Operating Authority / MC Authority- For Hire
- Weigh scales / Port of Entry
  - <http://drivinglaws.aaa.com/tag/weigh-stations/>



# Motor Vehicle Inspection, Repair & Maintenance – Part 396

The motor carrier and the drivers the motor carrier employs must regularly repair, inspect and service the CMV's it operates.

- **Daily** –
  - Driver pre- and post-trip inspection - FMCSR 396.11, 13
- **Periodic** –
  - Motor carrier performs complete inspection of truck & trailer every 12 months - FMCSR 396.17
- **Scheduled**
  - **Vehicle file, maintenance system** – FMCSR 396.3(b), 396.3





# Driver Requirements – Part 391

The basic infrastructure of motor carrier safety:

- **Hiring** –
  - competent, qualified drivers
- **Training** –
  - Providing mandatory and supplemental, function-appropriate training
- **Supervision** –
  - Monitoring driver activities and performance to ensure compliance

# Driver Qualification

## Driver qualification (Part 391)

- Application – **391.21**
- Driving & employment investigation - **391.23**
- Annual reviews – **391.25,27**
- Medical qualification - **391.41**
- Road test – **391.31**
- Pre-employment drug test (CDL drivers) – 40, 382
- Separate DOT file

The image displays three overlapping forms related to driver qualification:

- Application for Employment:** A form with fields for Company, Street, In compliance without req, POSITION, Name, Address, How long, Other address, and Street.
- Inquiry to Past Employer:** A form with two columns: "TO Previous Employer" and "FROM Prospective Employer". The "FROM" column contains the text "Luke's Trucking Company". It also includes fields for Company, Individual, Address, and City, St, Zip.
- MOTOR VEHICLE DRIVER'S CERTIFICATION OF VIOLATIONS:** A form with the following text:  
Dear Sir/Mad  
The person named  
from  
As stated below  
information is  
Driver's Name: Jonas Kibby  
Hire Date:                       
I certify that the following is a true and complete list of traffic violations

# Driver Training

“Every driver and employee shall be instructed regarding, and shall comply with, all applicable regulations ...” - FMCSR 390.3(e)(2)

- ‘Broad brush approach’ - Limited number of mandatory training requirements



# Key Driver Training Topics

- Driver qualification/disqualification
- Defensive driving
- Winter driving
- Load securement/weight distribution
- Road rage
- Distracted driving
- D&A prohibitions
- Hour-of-service record keeping
- Accident scene management
- Vehicle inspection



# Driver Supervision

*Question 8:* Are carriers liable for the actions of their employees even though the carrier contends that it did not require or permit the violations to occur?

- *Guidance:* Yes. Carriers are liable for the actions of their employees. Neither intent to commit, nor actual knowledge of, a violation is a necessary element of that liability. **Carriers “permit” violations of the hours of service regulations by their employees if they fail to have in place management systems that effectively prevent such violations.**

# Hours of Service (“HOS”) – Part 395

- ‘All about Driving time’
- Requires ‘logs’ or time cards
  - 10 consecutive hours off duty before driving
  - 11 hours driving maximum
  - No driving after 14<sup>th</sup> hour
  - No driving after 70 hours on duty in 8 consecutive days
  - ‘Restart’ permitted after 34-consecutive hours off duty

*\*Construction exception- 24 hour restart*

- 30-minute off duty (break) after 8 hours on duty before again driving

# NON-CDL Short Haul Exception

- Non-CDL
- 150 air mile radius
- 26,000 GVWR or less
- 14 hour shift
- Start and Stop at same location



# CDL Short Haul Exemption

- CDL
- 100 air mile radius
- 26,000 GVWR or more
- 12 hour shift
- Start and Stop at Same Location





# Sample log / Time card

2 621/ 621  
Total miles / driving today

1 June 4, 2012  
Date

3 Isuzu #17  
Truck / Tractor number

4 Ace Logistics .  
411 NW 13th Avenue  
Portland, OR 97209

5 John Badeloff  
I certify these entries are true and correct.

9 Franc Dalgood  
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																									11
2- SLEEPER BERTH																									10
3- DRIVING																									10.5
4- ON DUTY (Not Driving)																									2.5
																									24

8 Braxton, MS Kilgore, TX Dallas, TX Vernon, TX  
Pre-trip inspect Henrietta, Tx

11 Shipping documents:  
Athletic goods  
Skills testing equipment

**REQUIRED CONTENT 395.8(2)(d)**

1 Date	7 Main office address
2 Total miles driving today	8 Remarks
3 Truck/tractor/trailer number(s)	9 Name of co-driver
4 Name of Carrier	10 Total hours
5 Driver's signature/certification	11 Shipping document number/shipper/commodity
6 24-hr period starting time	

10/4	Start 6:00AM	End 4:00PM	On-Duty 9.5
10/5	Start 6:00AM	End 4:00PM	On-Duty 9.5
10/6	Off duty		
10/7	Start 7:00AM	End 7:00PM	On-Duty 11.0
10/8	<b>Start 6:00AM</b>	<b>End 9:00PM</b>	<b>On-Duty 14.5</b>

# ELD Mandate

As of December 18, 2017 drivers are required to maintain an Electronic Log via an Electronic Log Device (ELD).

This may eliminate the need to maintain paper logs.



# ELD Exemptions

- Drivers who qualify for the Short Haul Exemption
- Drivers who use paper RODS for not more than 8 days out of every 30-day period.
- Drivers who conduct tow-away operations
- Drivers of vehicles manufactured before 2000.



# FMCSA – Safety Measurement System



**Get Road Smart.**

**SAMPLE CARRIER 1**

**DBA: SAMPLE CARRIER**

U.S. DOT#: 3333  
Address: 555 ANY ST  
ANYTOWN, MA 02555  
Number of Trucks: 4  
Number of Drivers: 7  
Number of Inspections: 23

**Safety Rating & OOS Rates**

(As of 07/18/2014 update daily from SAFER.)

**CONDITIONAL**  
(Rating Date: 01/12/2014)

**Out of Service Rates**

Type	OOS %	National Avg %
Vehicle	18.2	20.7
Driver	8.7	5.5
Hazmat		4.5

**Licensing and Insurance**

(As of 07/18/2014 updated hourly from L&I)

Active For-Hire Authority		
Type	Yes/No	MC#/MX#
Property	Yes	MC-33330
Passenger	No	
Household Goods	No	
Broker	No	

**NOTE: This Carrier has an Inactive USDOT Number per 49 CFR 390.19(b)(4): Biennial update of MCS-150 data not completed**

**BASIC Status** (PublicView)

Behavior Analysis & Safety Improvement Categories (BASICS)

How does SMS relate to crashes?

Based on a 24-month record ending June 20, 2014

- COMPLETE SMS PROFILE
- CONTACT US
- DOWNLOADS
- PRINT

UNSAFE DRIVING

Not Public  
CRASH INDICATOR

HOURS-OF-SERVICE COMPLIANCE

VEHICLE MAINTENANCE

CONTROLLED SUBSTANCES AND ALCOHOL

Not Public  
HAZARDOUS MATERIALS COMPLIANCE

DRIVER FITNESS

Click to select a BASIC icon above to get details, or view your [Complete SMS Profile](#).

Denotes this carrier exceeds the FMCSA intervention threshold relative to its safety event grouping based upon roadside data and/or has been cited with one or more serious violations within the past 12 months during an investigation. Therefore, this carrier may be prioritized for an intervention action and roadside inspection.

**Summary of Activities**

The summary includes information on the 5 most recent investigations and 24 months of

**Carrier Registration**

Flags

**Penalties History**

(Six years as of 07/18/2014 updated daily from FMCSA)

# CSA - Compliance, Safety, Accountability

+ VIOLATION SUMMARY

Vehicle Maint. Violations: 22

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- INSPECTION HISTORY

Vehicle Inspections: 11

Please select to view your Inspection History. You can also sort your data by Date, Report Number, Vehicle Type, etc.

Vehicle Inspections **11**
(or)
 With Vehicle Maint. Violations (7)
   
 Without Vehicle Maint. Violations (4)

Report			Vehicle			Measure = $\frac{\text{Sum of the Total Weight (TotW)}}{\text{Sum of the Time Weight (TIW)}}$		
Inspection Date	Number	State	Plate Number	Plate State	Type	Severity Weight (SW)	Time Weight (TIW)	Total Weight (TotW)
5/16/2014	<a href="#">NM1234567890</a>	NM	AM12345	CA	Truck Tractor	0	3	0
4/24/2014	<a href="#">VA0987654321</a>	VA	AM12345	CA	Truck Tractor	2	3	6
Violation: 393.9 Inoperative required lamps						2		
3/11/2014	<a href="#">OK1122334455</a>	OK	AM09876	CA	Truck Tractor	0	3	0
2/27/2014	<a href="#">MA0099887766</a>	MA	AM00112	CA	Truck Tractor	5	3	15
Violation: 393.9 Inoperative required lamps						2		
Violation: 393.95(b) No spare fuses as required						2		
Violation: 393.78 Windshield wipers inoperative/defective						1		
Sum of Violation Weight => Inspection Severity Weight (SW)						5		
1/1/2014	<a href="#">AR2233445566</a>	AR	AM55667	CA	Truck Tractor	0	3	0
11/21/2013	<a href="#">AR1112223334</a>	AR	AM88775	CA	Truck Tractor	9	2	18
Violation: 393.78 Windshield wipers inoperative/defective						1		
Violation: 393.209(e) Power steering violations						6		
Violation: 393.9 Inoperative required lamps						2		
Sum of Violation Weight => Inspection Severity Weight (SW)						9		
7/5/2013	<a href="#">SCA999888777</a>	SC	AM88775	CA	Truck Tractor	4	2	8
Violation: 396.17(c) Operating a CMV without proof of a periodic inspection						4		
3/29/2013	<a href="#">MDZ000777444</a>	MD	AM78906	CA	Truck Tractor	29	1	29
Violation: 396.7 Unsafe operations forbidden (OOS)						3 + 2 (OOS)		
Violation: 396.5(b) Oil and/or grease leak						2		
Sum of measure weights						<b>77</b>	<b>23</b>	<b>104</b>

PERFORMANCE MEASURE LAST MONTH As of 5/30/2014

$$\frac{\text{TotW}}{\text{TIW}} = \frac{104}{20} = 5.20$$

[MORE INFO](#)

PERFORMANCE MEASURE THIS MONTH As of 6/20/2014

$$\frac{\text{TotW}}{\text{TIW}} = \frac{104}{23} = 4.52$$

\*\*\* The sum of all violation severity weights (violation weight + out-of-service) for this inspection has been capped at 30.

+ INVESTIGATION RESULTS

Vehicle Maint. Serious Violations: 0

**Summary of Activities**

**Carrier Registration**

**Penalties History**

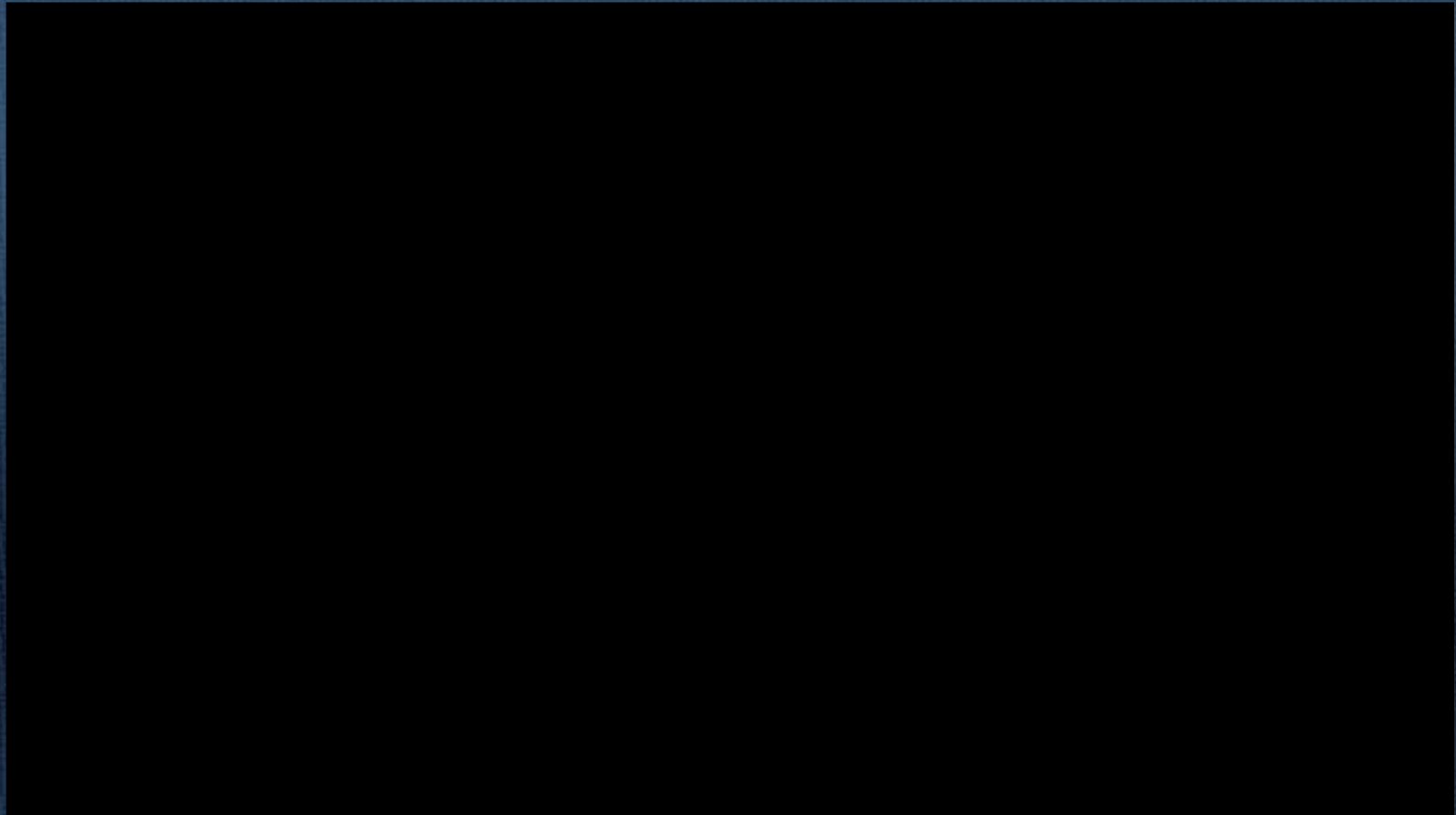
# Drug and Alcohol Testing

- Must have a random testing plan in place
- Must ensure plan is managed per regulation
- Must have negative pre-employment test results before allowing behind the wheel
- Supervisors must have Reasonable Suspicion Training and documentation of training



# When It Comes To Managing Risk

## Be a Ms. Vito!



# QUESTIONS?

Glostone Trucking Solutions

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