

# WELCOME

to the



## INTRASTATE NEW ENTRANT SAFETY SEMINAR

# RESTROOMS



# CERTIFICATE OF ATTENDANCE

PLEASE COMPLETE THE FORM BELOW (FROM YOUR FOLDER) AND RETURN TO THE REGISTRATION TABLE TO ENSURE YOU RECEIVE YOUR CERTIFICATE OF ATTENDANCE

**Company Name:** \_\_\_\_\_

**DOT #:** \_\_\_\_\_

**Attention:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_

**State: FL**

**Zip Code:** \_\_\_\_\_

# A COPY OF THIS PRESENTATION CAN BE FOUND ON THE FHP COMMERCIAL VEHICLE ENFORCEMENT WEBPAGE AT:

<https://www.flhsmv.gov/florida-highway-patrol/specialized-areas/commercial-vehicle-enforcement>



**SEPTEMBER 11, 2001**



**Never Forget!**



**APRIL 19, 1995 - OKLAHOMA CITY**

## Commercial Vehicle Drivers

**STAY ALERT!**

Report suspicious activities to local law enforcement officials, or call the FDLE Domestic Security hotline:

**800-342-0820**

## Motor Carriers

FDLE History information available online:

<http://fdle.state.fl.us/criminalhistory/>

# The New Entrant Safety Seminar

**is not**

a Comprehensive Training Program on the Federal Motor Carrier Safety Regulations, or Florida State Statutes, but a general overview of the requirements of motor carriers operating in intrastate commerce within Florida.

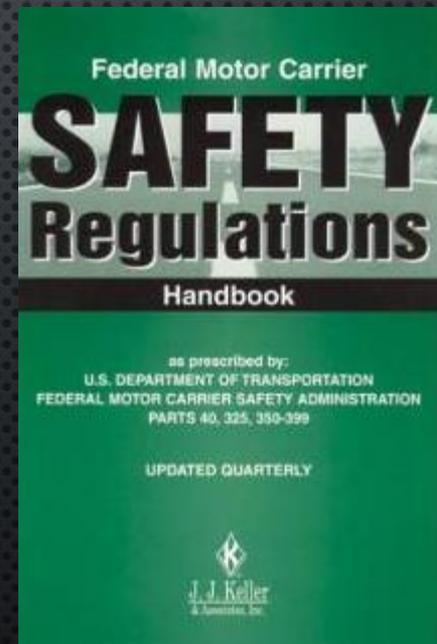
Furthermore, the purpose of this seminar

**is not**

to provide legal advice, but to offer general information on regulatory requirements.<sup>8</sup>

# THE PURPOSE IS TO ASSIST MOTOR CARRIERS IN LEARNING:

- Their safety responsibilities
- The requirements of compliance with applicable regulations
- How to obtain more information



# DEFINITIONS

**New Entrant:** Motor carrier that applies for a USDOT identification number in Florida in order to initiate intrastate operations within the state of Florida.

**Motor Carrier:** A For-Hire motor carrier, or a private motor carrier -- including a motor carrier's agents, officers, and representatives, as well as employees.

**For-Hire Motor Carrier:** Company engaged in the transportation of goods of passengers for compensation.

**Private Motor Carrier:** Company that provides transportation of property or passengers by commercial motor vehicle, and is not a for-hire motor carrier.

# DEFINITIONS CONT.

**Commercial Motor Vehicle:** Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (a) Has a gross vehicle weight rating of 10,000 pounds or more;
- (b) Is designed to transport more than 15 passengers, including the driver;
- (c) Is used in the transportation of materials found to be hazardous

**Bus:** Any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

**Non-public Sector Bus:** Any bus which is used for the transportation of persons for compensation and which is not owned, leased, operated, or controlled by a municipal, county, or state government or a governmentally owned or managed nonprofit corporation.

# SAFETY-SENSITIVE FUNCTIONS

- Driving or attending a commercial motor vehicle
- Loading or unloading a CMV
- Inspection, servicing, or repairing a CMV
- Waiting to be dispatched or remaining in readiness to operate a CMV



# PRE-EMPLOYMENT TESTING

No employer shall allow a driver to perform safety-sensitive functions

UNLESS

The employer has RECEIVED a *negative controlled substance test result*

# RANDOM TESTING

Owner-operators and carriers with one driver MUST join a consortium

## Random Program Pools Must:

- Use a scientifically valid method of selection
- Ensure each driver has an equal chance of selection
- Ensure random tests are unannounced
- Spread tests reasonably throughout the year

## *Annual Testing Requirements:*

***Controlled Substances***

**25%** (effective Jan. 1, 2016)

***Alcohol***

**10%**



"You're fired, Jack. The lab results just came back, and you tested positive for Coke."

# POST-ACCIDENT TESTING

Surviving drivers must be tested when:

Loss of human life is involved,

**OR**

The driver receives a citation

**AND**

There is a patient transported by ambulance

**OR**

A vehicle has disabling damage requiring towing from the scene

# ADMINISTRATION OF POST-ACCIDENT TESTS

- Alcohol: Test within 2 hours
  - *Cease attempts to test after 8 hours*
- Controlled Substances: Test within 32 hours
  - *Cease attempts to test after 32 hours*
- Prepare and maintain reasons for not promptly administering tests, if applicable



# REASONABLE SUSPICION TRAINING

Based on a TRAINED supervisor's observations of

- Appearance
- Behavior
- Speech
- Body odors



**Supervisor Training:**

- 60 minutes on alcohol misuse, and
- 60 minutes on controlled substance use

*\*Not applicable to owner-operators in non-supervisory roles.*

# PART 382 .401– RETENTION OF DRUG AND ALCOHOL PROGRAM RECORDS:

## Five Years:

- Alcohol test results showing a concentration .02 or higher
- Verified positive results of drug tests
- Refusals to take drug or alcohol test (must be provided to future employers)
- Driver evaluation and referrals
- Records related to the administration of the program
- Copy of each calendar year summary
- A service agent (e.g., Consortia/Third party administrator may prepare the MIS report on behalf of an employer. However, a company official must sign/certify the accuracy and completeness of the MIS report, no matter who prepares it.

## Two Years

Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) including:

- Random selection process records;
- Reasonable suspicion testing documentation;
- Post accident testing documentation; and
- Medical explanation for a driver's inability to provide adequate sample.

# PART 382 .401– RETENTION OF DRUG AND ALCOHOL PROGRAM RECORDS:

## One Year

- Records of negative and cancelled substances test results; and
- Alcohol test results with a concentration of less than 0.02.

## Indefinite Period

Records must be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

- All records related to the training and education of drivers, supervisors, breath alcohol technicians, and screening technicians;
- Employer's testing policy; and
- Driver's signed receipt for educational materials and policy received.

# PROHIBITED CONDUCT

- Drivers shall not perform safety-sensitive functions within 4 hours after using alcohol.
- Drivers shall not possess alcohol in a vehicle at any time unless it is part of the load.
- Drivers who use controlled substances shall not perform safety-sensitive functions.



# POSITIVE DRIVER? -- WHAT NEXT?

- Driver must be removed from all safety-sensitive functions immediately
- Has to have a face-to-face evaluation by a Substance Abuse Professional (SAP)
- Must have a “Return-to-Duty” test (observed)
- Must have a minimum of 6 unannounced “Follow-Up” tests within 12 months

*\*You do not have to retain a positive driver, however, you must refer the driver to a SAP and maintain positive test records for 5 years.*

# EDUCATIONAL MATERIALS

- Carriers must provide educational materials explaining the requirements of the regulations and the employer's policy regarding alcohol misuse and controlled substance abuse.
- Carrier must maintain original signed certificate of receipt of educational materials and policy for each driver.



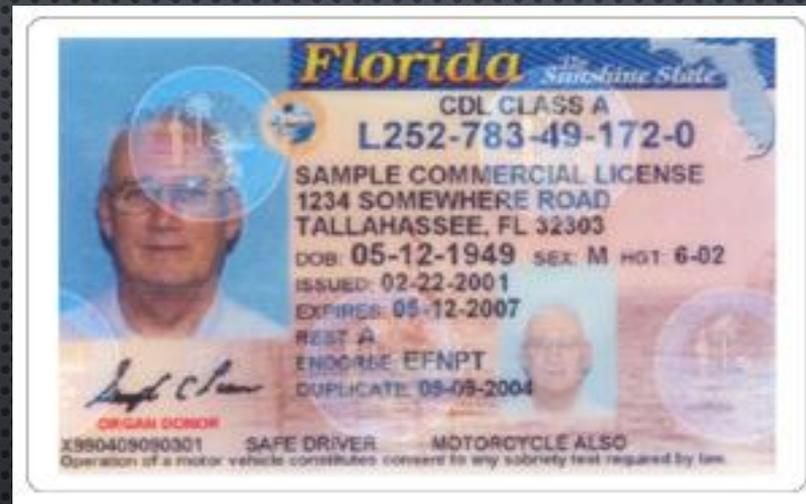
# DRUG & ALCOHOL PROGRAM RECORDS

- Secure location
- Controlled access
- Records must be available for inspection within 48 hours when requested by FMCSA or certified agent



*Maintain records for the minimum period of retention set forth in 49 CFR 392.401*

# COMMERCIAL DRIVER LICENSES



Florida Statute 322.54

# DRIVERS MUST BE LICENSED FOR THE TYPE OF VEHICLE BEING OPERATED

## Proper class

- A, B, C

## Proper Endorsements

- HM, Tank, Doubles/Triples, Passenger

## Observe Restrictions

- Corrective lenses, hearing aid, air brakes, etc.

*\*Florida statutes state that the actual physical weight of the vehicle, in addition to GVWR, will be used in determining proper license class.*



# CDL REQUIREMENTS

- **Class A:** Power unit and trailer with a combined GVWR over 26,000 pounds with a trailer GVWR over 10,000 pounds.
- **Class B:** Power unit with a GVWR over 26,000 pounds (or also with a trailer GVWR of 10,000 pounds or less).
- **Class C:** Placardable amount of hazardous materials or passenger vehicle used to transport 16 or more passengers, including the diver. *\*Class C CDLs are for vehicles in which a class A or B is not needed.*

MANUFACTURED BY			
<b>FRIESEN WELDING</b>			
For: <b>JOHNSON TRAILERS</b>			
DATE OF MANUFACTURE	<b>9/98</b>		
GVWR (UNIFORMLY DISTRIBUTED)	<b>16,000</b>	LBS.	<b>7,257</b> KGS.
GAWR (MAXIMUM ALL AXLES)	<b>7,000</b>	LBS.	<b>3,175</b> KGS.
TIRES	<b>235</b>		
RIMS	<b>16</b>		
COLD INFLATION PRESSURE	<b>80</b>	PSI	<b>552</b> KPA
THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S.A. FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE.			
MODEL	<b>C1440</b>	TYPE	<b>Gooseneck</b>
VIN	<b>4WFGN2435W10002945</b>		

# LEGISLATIVE REMINDERS

**FSS 322.61** adds violations that will result in disqualification from operating a CMV after violating an Out-of-Service Order (1<sup>st</sup> Offense = 180 days; 2<sup>nd</sup> Offense = 2 years).

**FSS 316.3025(3)(b)(1)** adopts \$100 penalty for each violation of the North American Uniform Driver Out-of-Service Criteria

**FSS 316.3025(3)(b)(2)** adopts \$100 penalty for violations of the 12/16 and 70/80 hour rules (Intrastate hours of service).

**FSS 316.3025(3)(b)(3)** adopts \$100 penalty for unauthorized passengers per 49 CFR 392.60

**FSS 316.3025(3)(b)(5)** adopts \$100 penalty for not possession a valid medical certification

**FSS 316.159(3)** states that all drivers of CMVs are required to slow before crossing railroad tracks.

# FSS 316.3025 -- MOBILE PHONE & TEXTING BAN TO ALL CMVs

Florida Statute	Federal Regulation	Violations	Penalties		
			1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
316.3025(6)(a)	49 CFR s. 392.82	Using Handheld Mobile Telephone While Driving a CMV	\$500	\$1000	\$2750
316.3025(6)(a)	49 CFR s. 392.80	Texting While Driving CMV	\$500	\$1000	\$2750
316.3025(6)(b)	49 CFR s. 392.82	Company Allowing or Requiring Driver of CMV to Use Handheld Mobile Telephone While Driving	\$2750	\$5000	\$11000
316.3025(6)(b)	49 CFR s. 392.80	Company Allowing or Requiring Driver of CMV to Text While Driving	\$2750	\$5000	\$11000

# Commercial Motor Vehicle Insurance



**Florida Statute 627.7415**

# REQUIRED LIABILITY COVERAGE

- GVW 26,000 – 34,999 lbs. - \$ 50,000
- GVW 35,000 – 43,999 lbs. - \$100,000
- GVW 44,000 lbs. or More - \$300,000

## Note:

49 C.F.R. Part 387 applies to certain for-hire and hazardous materials carriers.

Florida Statute 627.742 applies to non-public sector buses.

# ACCIDENT REGISTER -49 C.F.R. 390.15



- Date of Accident
- City and State
- Driver Name
- Number of Injuries/Fatalities
- Hazardous Materials Released
- Copy of Accident Report

*\*Maintain information for 3 years*



# MOTOR CARRIER IDENTIFICATION REPORT FORM MCS-150

- File before beginning operations
  - \$500 penalty for failure to register
- File an update within first year of operation and then every 24 months -- or when company information changes

Electronic filing is available online at  
[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)



# UNIFIED REGISTRATION SYSTEM (URS)



<https://portal.fmcsa.dot.gov/ursregistrationwizard>

- Beginning December 12, 2015, new applicants are required to use the new URS online application when requesting registration and a USDOT number.
- On September 30, 2016, all new and existing entities must process new applications and updates to existing records using the new online system
- On December 31, 2016, the requirement for all private and exempt carriers to have insurance and BOC-3 filings in place will take effect.
- No cost for intrastate only USDOT numbers

# MARKING OF COMMERCIAL MOTOR VEHICLES

## 49 C.F.R. 390.21

The name of the motor carrier and USDOT number  
**MUST** be displayed:

- Both sides of power unit
- Sharply contrasting color
- Legible from 50 feet
- If name of any other person appears carrier name must be preceded by “operated by”
- USDOT number must be preceded by the letters “USDOT”

# \$50 PENALTY FOR IMPROPER MARKING



# DRIVER QUALIFICATIONS

- 21 years of age (18 years of age for intrastate non-HM drivers)
- Be able to safely operate the vehicle
- Be physically qualified
- Possess a valid/proper CDL



# DRIVER DISQUALIFICATION

- Loss of driving privileges
  - Revocation, Suspension, Withdrawal
- Criminal offenses
  - DUI, Leaving the scene of an accident, Felony involving CMV
- Violation of Out-of-Service Orders

# DRIVER QUALIFICATION CHECKLIST

- Driver's Application for Employment
- Inquiry to Previous Employers – 3 Years
- DL Inquiry to State Agencies – 3 Years
- Annual MVR Inquiry to State Agencies
- Annual Driver's Certification of Violations
- Driver's Road Test Certificate or Equivalent
  - Copy of CDL
- Medical Examiner's Certificate

# EMPLOYMENT APPLICATION REQUIREMENTS

- Signed by applicant
- Contain name and address of employing motor carrier
- Applicant's name, address, DOB, SSN
- Past 3 years residency from date of application
- Date application is submitted
- Issuing state, number and expiration date of each unexpired license
- Nature and extent of applicant's experience, including type of truck, bus, etc
- List of all vehicle accidents during the 3 years preceding application date, specifying date, nature, and injuries or fatalities
- List of all vehicle law violations (excluding parking) convicted of during the 3 years preceding application date

# EMPLOYMENT APPLICATION REQUIREMENTS

- A statement setting forth in detail the facts and circumstances of any denial, suspension, revocation, etc of their DL, or a statement that none have existed
- List of names and addresses of employers for 3 years (10 years for CDL drivers) preceding application date, to include employment dates and reason for leaving (after 10-29-04, was the applicant subject to FMCSR's and was alcohol and drug testing a requirement).
- Certification and signature line/date must appear at the bottom of the application: "This certifies that the application was completed by me, and that all entries on it are true and complete to the best of my knowledge"



**MEDICAL EXAMINER'S CERTIFICATE**

I certify that I have examined \_\_\_\_\_ in accordance with 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:

- wearing corrective lenses
- wearing hearing aid
- accompanied by a \_\_\_\_\_ waiver/exemption
- driving within an exempt intracity zone (49 CFR 391.62)
- accompanied by a Skill Performance Evaluation Certificate (SPE)
- qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

<b>SIGNATURE OF MEDICAL EXAMINER</b>		<b>TELEPHONE</b>		<b>DATE</b>	
<b>MEDICAL EXAMINER'S NAME (PRINT)</b>		<input type="checkbox"/> MD	<input type="checkbox"/> Chiropractor		
		<input type="checkbox"/> DO	<input type="checkbox"/> Advanced Practice Nurse		
		<input type="checkbox"/> Physician Assistant	<input type="checkbox"/> Other Practitioner		
<b>MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE</b>		<b>NATIONAL REGISTRY NO.</b>			
<b>SIGNATURE OF DRIVER</b>		<b>INTRASTATE ONLY</b>	<b>CDL</b>	<b>DRIVER'S LICENSE NO.</b>	<b>STATE</b>
		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>ADDRESS OF DRIVER</b>					
<b>MEDICAL CERTIFICATION EXPIRATION DATE</b>					

Effective May 21, 2014, anyone that provides a DOT medical examination must be registered in the FMCSA's National Registry of Medical Examiners. If they are not, the card is not valid.

*\*New cards now have a field for the examiner's National Registry Number that must be filled in.*

# DRIVER INVESTIGATION HISTORY FILE

## 49 CFR PART 391.23

- Previous employer safety performance history inquiry to be conducted within 30 days of employment
- Acquire employee's written consent with application
- Request positive or refused alcohol or controlled substance tests
- Obtain information from previous FMCSA regulated employers for the past 3 years
- Or documentation of "good faith" efforts to contact previous employer



# PSP - MAKING ROADS SAFER ONE HIRE AT A TIME



- A PSP record contains a driver's most recent 5 years of crash data and the most recent 3 years of roadside inspection data from the FMCSA MCMIS database.
- Account holders may request PSP records solely for the purpose of conducting pre-employment screening and only with the driver's authorization.
- FMCSA conducted a study to evaluate PSP's safety impact. The study results showed that companies regularly using PSP have, on average, reduced their crash rates by 8% and their driver Out-of-Service rates by 17%.

<https://www.psp.fmcsa.dot.gov/psp/default.aspx>

# PART 392

## DRIVING OF COMMERCIAL MOTOR VEHICLES



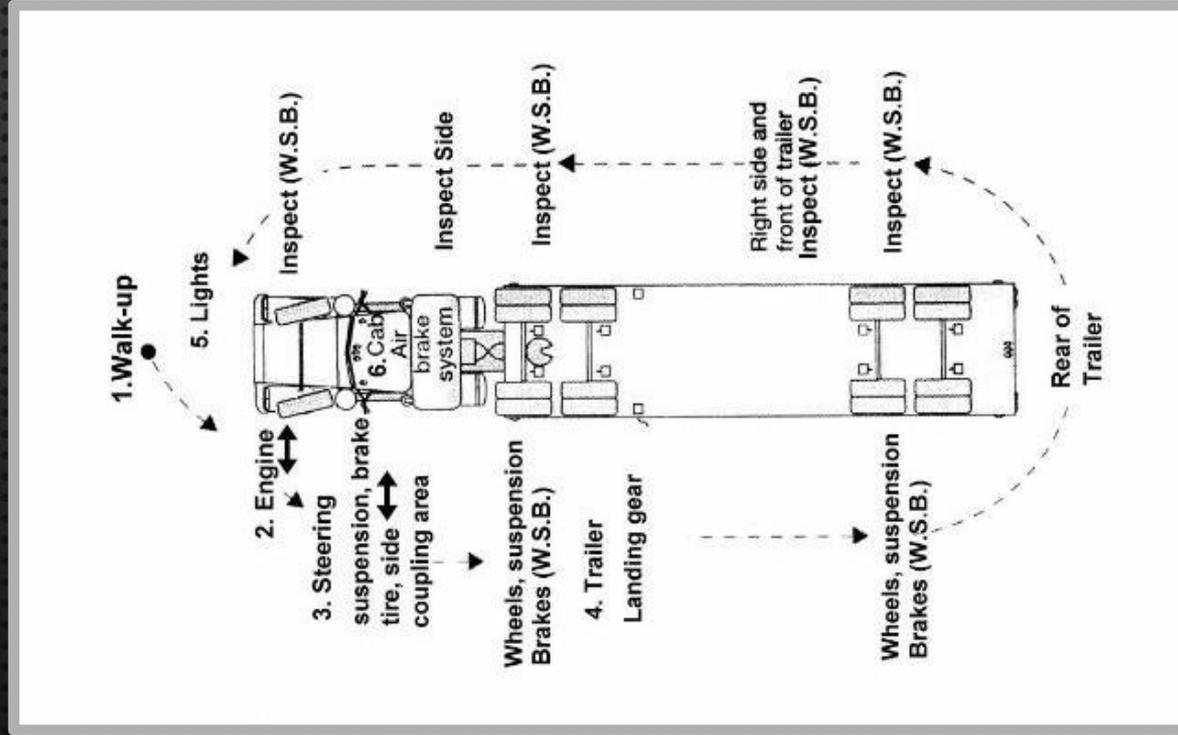
# SCOPE OF THE RULES

- Every employer and employee shall comply and be conversant with the requirements and specifications
- No employer shall operate a commercial motor vehicle unless it is properly equipped
- Every commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However, if a regulation of the Federal Motor Carrier Safety Administration imposes a higher standard of care than that law, ordinance or regulation, the Federal Motor Carrier Safety Administration regulation must be complied with.



# PART 393

## PARTS AND ACCESSORIES FOR SAFE OPERATION



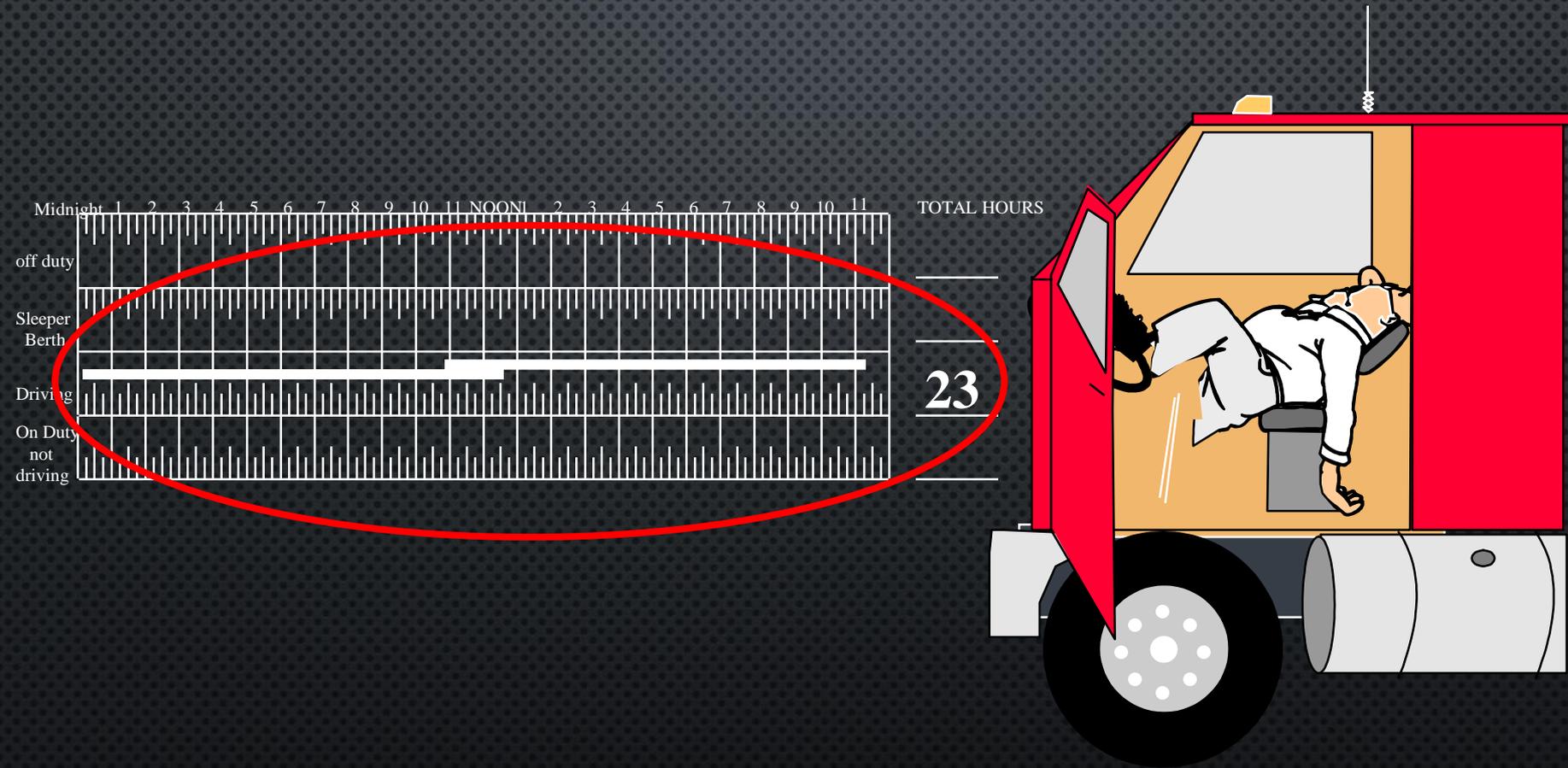
# WHAT IS COVERED BY PART 393?

- Lighting devices, reflectors, and tape
  - ✓ Electrical equipment and wiring specifications
- Brakes
  - ✓ Parking brakes, trailer breakaway, and low air warning
- Window construction and tint
  - ✓ Allows 70% transmittance of light
- Fuel systems
  - ✓ Construction, location, and venting systems
- Coupling devices and towing methods
  - ✓ Fifth wheel, saddle mount, and safety devices

# WHAT IS COVERED BY PART 393?

- Miscellaneous parts and accessories
  - ✓ Tires, speedometer, rear-end protection, and horn
- Emergency equipment
  - ✓ Fire extinguisher, triangles, and spare fuses
- Protection against shifting and falling cargo
- Frames, cab, and body components
  - ✓ Wheels, rims, suspension systems, and steering systems

# INTRASTATE DRIVERS' HOURS OF SERVICE (HOS)



# THREE CLASSIFICATIONS OF DRIVERS

- 1) Drivers operating solely in intrastate commerce not transporting hazardous materials
- 2) Drivers transporting hazardous materials
- 3) Drivers of non-public sector buses

*\*More than one classification may apply to your company/drivers depending on the work they perform*

# DRIVER'S HOS DEFINITIONS

- **Air Mile**: A “nautical mile” equivalent to 1.1508 statute miles

100 air miles = 115.08 statute miles

150 air miles = 172.62 statute miles

- **Driving Time**: All time spent at the driving controls of a CMV in operation
- **On Duty**: All time from the time a driver begins to work, or be in readiness to work, until the time the driver is relieved from work and all responsibilities for performing work.

Calculator Example

<http://www.distancesfrom.com/Flight-Distance.aspx>

# INTRASTATE DRIVERS NOT TRANSPORTING HAZMAT OR PASSENGERS Florida Statute 316.302(2)

- **12 Hour Rule:** May not drive more than 12 hours following 10 consecutive hours off duty
- **16 Hour Rule:** May not drive after the end of the 16<sup>th</sup> hour after coming on duty following 10 consecutive hours off duty
- **30 Minute Break:** Does not apply to intrastate carriers, with the exception of HazMat haulers. Florida Statute 316.302(2)(a), excepts intrastate carriers from 49 CFR Part 395.3(a) or (b), which outlines the rest break.

# OPTIONS FOR OBTAINING A 10-HOUR REST PERIOD

- At least 10 consecutive hours off duty.
- At least 10 consecutive hours of sleeper berth time.
- At least 10 consecutive hours of combined off duty and sleeper berth time.
- At least 8 consecutive hours in a sleeper berth and a separate period of at least 2 consecutive hours either in the sleeper berth, off duty, or combination thereof.

*\*Up to 2 hours riding in the passenger seat of a property-carrying CMV moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth may be used to achieve a proper 10 hour rest period.*

# INTRASTATE DRIVERS NOT TRANSPORTING HAZMAT OR PASSENGERS Florida Statute 316.302(2)

- **70 Hour Rule:** May not drive after having been on duty more than 70 hours in 7 consecutive days. (Motor carriers not operating every day of the week)
- **80 Hour Rule:** May not drive after having been on duty more than 80 hours in 8 consecutive days. (Motor carriers operating every day of the week)

*\*Carrier must pick which rule applies to them and use one or the other.*

# INTRASTATE DRIVERS NOT TRANSPORTING HAZMAT OR PASSENGERS Florida Statute 316.302(2)

34 consecutive hours off duty shall constitute the end of any 7 or 8 days period.

*\*Please note: Effective December 16, 2014 there are no longer limitations on when, or how many times, the 34 hour reset may be used.*

Exceptions: Any period of 7 or 8 consecutive days may end with the beginning of any off duty period of 24 or more successive hours for:

- Ground water well drilling operations
- Construction materials
- Utility service vehicles

# INTRASTATE DRIVERS NOT TRANSPORTING HAZMAT OR PASSENGERS Florida Statute 316.302(2)

Within a 150 air-mile radius: Retain time records for 6 months showing:

- Time the driver reports for duty
- Time the driver is released from duty
- Total hours on duty
- Preceding 7 days time for first time or intermittent drivers
- Driving times throughout the duty period (if driver is not released from duty within 12 hours)

Beyond a 150 air-mile radius: Maintain records of duty status (log books) in accordance with 49 CFR 395.8 for 6 months.

# DRIVERS TRANSPORTING HAZMAT

## CFR 395.3

- **11 Hour Rule:** May not drive more than 11 hours following 10 consecutive hours off duty
- **14 Hour Rule:** May not drive after the end of the 14<sup>th</sup> hour after coming on duty following 10 consecutive hours off duty
- **60 Hour Rule:** May not drive after having been on duty more than 60 hours in 7 consecutive days. (Motor carriers not operating every day of the week)
- **70 Hour Rule:** May not drive after having been on duty more than 70 hours in 8 consecutive days. (Motor carriers operating every day of the week)
- **30 Minute Break:** Must not drive if more than 8 hours have passed since the last off duty, or sleeper berth, period of at least 30 minutes (8 hours includes on duty time)

# DRIVERS TRANSPORTING HAZMAT

## 49 CFR 395.3

34 consecutive hours off duty shall constitute the end of any 7 or 8 days period.

Exceptions: Any period of 7 or 8 consecutive days may end with the beginning of any off duty period of 24 or more successive hours for:

- Ground water well drilling operations
- Utility service vehicles
- Construction materials and equipment

*See 49 CFR 395.1*

# DRIVERS TRANSPORTING HAZMAT

## CFR 395.3

- 100 air-mile radius drivers are exempt from 49 CFR 395.9 (Log Book) if:
  - The driver returns and is released from work within 12 consecutive hours
  - The driver has at least 10 consecutive hours off duty separating each 12 hours on duty
- The motor carrier retains time records for 6 months showing
  - ✓ Time the driver reports for duty
  - ✓ Time the driver is released from duty
  - ✓ Total hours on duty
  - ✓ Preceding 7 days time for first time or intermittent drivers

# DRIVERS OF NON-PUBLIC SECTOR BUSES

## 49 CFR 395.5

- **10 Hour Rule:** May not drive more than 10 hours following 8 consecutive hours off duty
- **15 Hour Rule:** May not drive after the end of the 15<sup>th</sup> hour after coming on duty following 8 consecutive hours off duty
- **60 Hour Rule:** May not drive after having been on duty more than 60 hours in 7 consecutive days. (Motor carriers not operating every day of the week)
- **70 Hour Rule:** May not drive after having been on duty more than 70 hours in 8 consecutive days. (Motor carriers operating every day of the week)

*\*Passenger carriers can not use the sleeper berth provision (split sleeper) to achieve a proper 8 hour off duty period*

# PART 396

## INSPECTION REPAIR AND MAINTENANCE



# VEHICLES MAINTENANCE FILES

## CFR 396.3

Applies to:

- Vehicles with a GVWR of 10,001 pounds or more
- Designed to transport more than 8 passengers (including driver) for compensation
- Vehicles transporting hazardous materials

Required records:

- Identification of the vehicle (Make, Model, VIN, and Tire Size)
- Nature and due date of inspection/maintenance
- Record of inspection, repair, and maintenance

Record retention:

- Retain records where the vehicle is housed or maintained for 1 year and for 6 months after the vehicle leaves your control.

# DRIVER VEHICLE EXAMINATION REPORTS (DVERs) -- CFR 396.3

- Correct ALL Out-of-Service violations prior to operation
- Correct all other violations prior to re-dispatch
- Certify and return the inspections with vehicle violations to the issuing agency within 15 days. *\*DVERs with no violations discovered do not need to be returned.*
- Copies of DVERs must be maintained at the principle place of business for 12 months

DRIVER/VEHICLE EXAMINATION REPORT										Aspen 3.0.0.17	
Florida Highway Patrol Office of Commercial Vehicle Enforcement 2900 Apalachee Parkway MS56 Tallahassee, FL 32399 Phone: (850)617-3010 Fax: (850)617-5060					Report Number: FL3246004421 Inspection Date: 01/13/2016 Start: 11:37 AM ET End: 11:42:53 AM ET Inspection Level: II - Walk-Around HM Inspection Type: None						
SAMPLE MOTOR CARRIER 1234 MAIN ST TAMPA, FL 33614 USDOT#: Phone#: MC/MX#: Fax#: State:					Driver: DRIVER, SAMPLE License#: D123456789000 State: FL Date of Birth: 01/04/1938 CoDriver: License: State: Date of Birth:						
Location: I4 Plant City Scales-West Highway: Interstate 4 County: HILLSBOROUGH, FL					MilePost: 19 Origin: TAMPA, FL Destination: ORLANDO, FL		Shipper: SAC Bill of Lading: 56789 Cargo: GENERAL FREIGHT				
Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	G/VWR	CVSA #	CVSA Issued #	OOS Sticker
1	TR	MACK	2010	FL	123ABC	1	SAMPLEVIN	33,000			
BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2											
VIOLATIONS: No Violations Were Discovered.											
HazMat: No HM Transported. Placard: No Cargo Tank:											
Special Checks: No Data for Special Checks.											
ATTENTION DRIVER: This report must be provided to the motor carrier whose name appears at the top of this report.											
ATTENTION CARRIER: IF NO VIOLATIONS ARE LISTED IN THE "VIOLATIONS" SECTION ABOVE, IT IS NOT NECESSARY TO SIGN AND RETURN THIS REPORT. The motor carrier must examine this report and report all violations noted in the "Violations" section. By signing below, the motor carrier certifies that all violations on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety and Hazardous Materials Regulations and Florida Statute 316.302, insofar as they are applicable to motor carriers and drivers. After certifying with signature, return this report to the Florida Highway Patrol at the mailing address or fax number that appears at the top of this report for by email at OOSV-Inspection@flhwy.gov) within 15(15) days of the date of this report. It is not necessary to provide supporting documentation of the repairs. Failure to return this required certification can result in penalties of up to \$100 per day, for each day the violation continues, up to \$25,000.											
Signature Of Motor Carrier X: Title: Date:											
Report Prepared By: TPR M. WEAVER			Badge #: 3245			Copy Received By: SAMPLE DRIVER			Page 1 of 1		
X			X						 FL 3246004421		

## Driver's Vehicle Inspection Report

Check Any Defective Item and Give Details Under "Remarks."

DATE: \_\_\_\_\_

TRUCK/TRACTOR NO. \_\_\_\_\_

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Air Compressor    | <input type="checkbox"/> Horn              | <input type="checkbox"/> Springs           |
| <input type="checkbox"/> Air Lines         | <input type="checkbox"/> Lights            | <input type="checkbox"/> Starter           |
| <input type="checkbox"/> Battery           | Head - Stop                                | <input type="checkbox"/> Steering          |
| <input type="checkbox"/> Brake Accessories | Tail - Dash                                | <input type="checkbox"/> Tachograph        |
| <input type="checkbox"/> Brakes            | Turn Indicators                            | <input type="checkbox"/> Tires             |
| <input type="checkbox"/> Carburetor        | <input type="checkbox"/> Mirrors           | <input type="checkbox"/> Transmission      |
| <input type="checkbox"/> Clutch            | <input type="checkbox"/> Muffler           | <input type="checkbox"/> Wheels            |
| <input type="checkbox"/> Defroster         | <input type="checkbox"/> Oil Pressure      | <input type="checkbox"/> Windows           |
| <input type="checkbox"/> Drive Line        | <input type="checkbox"/> On-Board Recorder | <input type="checkbox"/> Windshield Wipers |
| <input type="checkbox"/> Engine            | <input type="checkbox"/> Radiator          | <input type="checkbox"/> Other             |
| <input type="checkbox"/> Fifth Wheel       | <input type="checkbox"/> Rear End          |  |
| <input type="checkbox"/> Front Axle        | <input type="checkbox"/> Reflectors        |  |
| <input type="checkbox"/> Fuel Tanks        | <input type="checkbox"/> Safety Equipment  |  |
| <input type="checkbox"/> Heater            | Fire Extinguisher                          |  |
|  | Flags-Flares-Fusees                        |  |
|  | Spare Bulbs & Fuses                        |  |
|  | Spare Seal Beam                            |  |

TRAILER(S) NO.(S) \_\_\_\_\_

- |  |                                       |                                    |
|--|---------------------------------------|------------------------------------|
| <input type="checkbox"/> Brake Connections   | <input type="checkbox"/> Hitch        | <input type="checkbox"/> Tarpaulin |
| <input type="checkbox"/> Brakes              | <input type="checkbox"/> Landing Gear | <input type="checkbox"/> Tires     |
| <input type="checkbox"/> Coupling Chains     | <input type="checkbox"/> Lights - All | <input type="checkbox"/> Wheels    |
| <input type="checkbox"/> Coupling (King) Pin | <input type="checkbox"/> Roof         | <input type="checkbox"/> Other     |
| <input type="checkbox"/> Doors               | <input type="checkbox"/> Springs      |                                    |

Remarks: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONDITION OF THE ABOVE VEHICLE IS SATISFACTORY

DRIVER'S SIGNATURE \_\_\_\_\_

ABOVE DEFECTS CORRECTED

ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

DRIVER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

# DRIVER VEHICLE INSPECTION REPORTS (DVIR) -- 49 CFR 396.11 (POST-TRIP INSPECTIONS)

- Effective December 2014, Drivers of **PROPERTY** carrying vehicles are only required to complete a post-trip inspection report if a defect exists.
- **PASSENGER** carriers must still complete post-trip inspection reports daily regardless of whether or not a defect exists.
- Certify corrective action
- Maintain for 3 months
- Carriers with one truck are exempt as they were prior to the rule change.

# PERIODIC INSPECTIONS -- 49 CFR 396.17-25

- Inspect vehicles at least once every 12 months
- Prepare a report identifying the following
  - Individual performing inspection
  - Motor carrier assigned to vehicle
  - Date of inspection
  - Vehicle inspected
  - Components inspected and results
- Retain inspection reports for 14 months (current and one past)
- Level 1 roadside inspection (DVER) with no vehicle violations can suffice

ANNUAL VEHICLE INSPECTION REPORT											
						VEHICLE HISTORY RECORD					
						REPORT NUMBER		FLEET UNIT NUMBER			
						DATE					
MOTOR CARRIER OPERATOR						INSPECTOR(S) NAME (PRINT OR TYPE)					
ADDRESS						THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19: <input type="checkbox"/> YES					
CITY, STATE, ZIP CODE						VEHICLE IDENTIFICATION (VIN) AND COMPLETE <input type="checkbox"/> LIC. PLATE NO. <input type="checkbox"/> VIN <input type="checkbox"/> OTHER					
VEHICLE TYPE <input type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input type="checkbox"/> (OTHER)						INSPECTION AGENCY/LOCATION (OPTIONAL)					
VEHICLE COMPONENTS INSPECTED											
CK	REPAIR	DATE	ITEM	CK	REPAIR	DATE	ITEM	CK	REPAIR	DATE	ITEM
			1. BRAKE SYSTEM a. Service Brakes b. Parking Brake System c. Brake Drums or Rotors d. Brake Hose e. Brake Tubing f. Low Pressure Warning Device g. Tractor Protection Valve h. Air Compressor i. Electric Brakes j. Hydraulic Brakes k. Vacuum Systems				4. FUEL SYSTEM a. Visible leak b. Fuel tank filler cap missing c. Fuel tank securely attached				9. FRAME a. Frame Members b. Tire and Wheel Clearance c. Adjustable Axle Assemblies (Sliding Subframes)
			2. COUPLING DEVICES a. Fifth Wheels b. Pintle Hooks c. Drawbar/Towbar Eye d. Drawbar/Towbar Tongue e. Safety Devices f. Saddle-Mounts				5. LIGHTING DEVICES All lighting devices and reflectors required by Section 393 shall be operable.				10. TIRES a. Tires on any steering axle of a power unit. b. All other tires.
			3. EXHAUST SYSTEM a. Any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment. b. A bus exhaust system leaking or discharging to the atmosphere in violation of standards (1), (2) or (3). c. No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.				6. SAFE LOADING a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway. b. Protection against shifting cargo				11. WHEELS AND RIMS a. Lock or Side Ring b. Wheels and Rims c. Fasteners d. Welds
							7. STEERING MECHANISM a. Steering Wheel Free Play b. Steering Column c. Front Axle Beam and All Steering Components Other Than Steering Column d. Steering Gear Box e. Pitman Arm f. Power Steering g. Ball and Socket Joints h. Tie Rods and Drag Links i. Nuts j. Steering System				12. WINDSHIELD GLAZING Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions)
							a. SUSPENSION a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position. b. Spring Assembly c. Torque, Radius or Tracking Components.				13. WINDSHIELD WIPERS Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.  List any other condition which may prevent safe operation of this vehicle.
INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: <input checked="" type="checkbox"/> CK <input checked="" type="checkbox"/> NEEDS REPAIR <input type="checkbox"/> NA IF ITEMS DO NOT APPLY _____ REPAIRED DATE											
CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION REPORT IN ACCORDANCE WITH 49 CFR 396.											

## INSPECTOR QUALIFICATIONS

Certification — 49 CFR — Part 396.19

Motor carriers are responsible for ensuring that individual(s) performing an annual inspection under 396.19 are qualified as follows:

- Understands the inspection criteria set forth in Part 393 and Appendix G and can identify defective components
- Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection
- Is capable of performing an inspection by reason of experience, training, or both, and qualifies in one of the following categories (check all that apply):
  - I.  Successfully completed a State or Federal training program or has certificate from a State or Canadian Province which qualifies the person to perform commercial vehicle safety inspections. Specify:  
\_\_\_\_\_
  - or
  - II.  Have a combination of training or experience totaling at least one year as follows (check all that apply):
    - A.  Participation in a truck manufacturer-sponsored training program or similar commercial training program designed to train students in truck operation and maintenance. Where and Date:  
\_\_\_\_\_
    - B.  \_\_\_\_ (years) experience as a mechanic or inspector in a motor carrier maintenance program. Name and Date:  
\_\_\_\_\_
    - C.  \_\_\_\_ (years) experience as a mechanic or inspector in truck maintenance at a commercial garage, fleet leasing company, or similar facility. Name of Facility and Dates:  
\_\_\_\_\_
    - D.  \_\_\_\_ (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.**

**Employee** \_\_\_\_\_  
Signature of Mechanic/Inspector Date

**Motor Carrier/Company** \_\_\_\_\_  
Signature of Employer/Supervisor Date

Evidence of Inspector Qualifications are on file at:  
\_\_\_\_\_

**These forms must be kept on file for any inspector completing periodic or brake inspections.**

## BRAKE INSPECTOR QUALIFICATIONS

Certification — 49 CFR — Part 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 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 qualifies in one of the following categories (check all that apply):
  - I.  Has successfully completed an apprenticeship program sponsored or approved by a State, Canadian Province, a Federal agency or labor union, or has a certificate from a State or Canadian Province which qualifies the person to perform brake service or inspections. Specify:  
\_\_\_\_\_
  - or
  - II.  Has brake-related training or experience or a combination thereof totaling at least one year as follows (check all that apply):
    - A.  Participation in a brake maintenance or inspection training program sponsored by a brake or vehicle manufacturer or similar commercial training program. Where and Date:  
\_\_\_\_\_
    - B.  \_\_\_\_ (years) experience performing brake maintenance or inspection in a motor carrier maintenance program. Name and Date:  
\_\_\_\_\_
    - C.  \_\_\_\_ (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.**

**Employee** \_\_\_\_\_  
Signature of Mechanic/Inspector Date

**Motor Carrier/Company** \_\_\_\_\_  
Signature of Employer/Supervisor Date

Evidence of Inspector Qualifications are on file at:  
\_\_\_\_\_

**Inspector Qualification Forms**

# RECORD RETENTION

**Driver Files:** As long as driver is employed and for three years thereafter, save current medical card and one past medical card

**Vehicle Files:** 1 year and for an additional six months after vehicle leaves carrier's control and save current and one past vehicle annual inspection

**Time Records:** 6 months

**Daily Driver Vehicle Inspections (DVIR):** 90 Days

**Roadside Inspections (DVER):** 1 Year

# PART 397

## TRANSPORTATION OF HAZARDOUS MATERIALS



# DOMESTIC SECURITY

Motor carriers involved in transportation of hazardous materials must:

- Develop and implement a security plan
- Train employees to recognize and react to potential security threats



FHP's Bureau of Commercial Vehicle Enforcement conducts on site security contact reviews and corporate security reviews.

# RECORD MAINTENANCE



- Maintain shipping papers/manifests for 2 years
- Maintain hazardous waste manifests for 3 years
- Keep PHMSA/Federal HazMat Registration Current
- Maintain security plans
- Document driver's HazMat training
- Document all employee's HazMat training

# DRIVING AND PARKING RULES



- Attendance
- Parking
- Smoking
- Fueling
- Routing
- Railroad Crossings





## What is CSA?

CSA is a 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.

<https://ai.fmcsa.dot.gov/SMS/Default.aspx>



### **The Safety Measurement System (SMS)**

FMCSA's **workload prioritization tool** that identifies carriers for interventions (e.g., warning letters, investigations)

### **Safety Interventions Process**

Creates new and more efficient ways for FMCSA to interact with carriers and help bring them into compliance (e.g., warning letters and Onsite Focused Investigations)

### **Proposed Safety Fitness Determination (SFD)**

To assess safety performance of larger segment of industry, keeping more unsafe carriers off the road (still needs to go through a rulemaking process)



- **Prioritizes and identifies carriers for interventions (e.g., warning letters, investigations) using:**
  - State-reported crash records
  - All roadside inspection safety-based violations
  - Certain violations found during inspections
  - Serious Violations found during investigations
  
- Updates results once per month based on the prior 24 months of data (weighted based on severity and when events occurred)



- Carriers are assigned a measure and percentile in each BASIC:
  - Measure reflects your own company's safety performance (SMS converts BASIC data (e.g., inspections) into a quantifiable measure)
  - Percentile rank reflects your on-road safety performance compared to other carriers with similar fleet size and safety events
- BASICS prioritized may trigger an intervention
- Monitor your BASICS and take immediate action

### BASIC Status (Enforcement View)

Behavior Analysis & Safety Improvement Categories (BASICS)

Based on a 24-month record ending December 28, 2015

UNSAFE DRIVING

CRASH INDICATOR

HOURS-OF-SERVICE COMPLIANCE

VEHICLE MAINTENANCE

CONTROLLED SUBSTANCES AND ALCOHOL

HAZARDOUS MATERIALS COMPLIANCE

DRIVER FITNESS

INSURANCE AND OTHER

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.

There are 7 different Behavior Analysis & Safety Improvement Categories (BASICS) used to rate carriers.

*\*Alerts will show with a yellow triangle and exclamation point.*

# INTERVENTION THRESHOLDS PROPERTY

UNSAFE DRIVING = 65%

CRASH INDICATOR = 65%

HOURS OF SERVICE = 65%

VEHICLE MAINTENANCE = 80%

CONTROLLED SUBSTANCES/ALCOHOL = 80%

HAZARDOUS MATERIALS = 80%

DRIVER FITNESS = 80%

# INTERVENTION THRESHOLDS PASSENGER

UNSAFE DRIVING = 50%

CRASH INDICATOR = 50%

HOURS OF SERVICE = 50%

VEHICLE MAINTENANCE = 65%

CONTROLLED SUBSTANCES/ALCOHOL = 65%

HAZARDOUS MATERIALS = 80%

DRIVER FITNESS = 65%

# WHY ARE MOTOR CARRIER SELECTED FOR COMPLIANCE INVESTIGATIONS?

- Crashes and HazMat incidents
- Two or more BASIC alerts for two or more months consecutively
- Substantiated complaints
- Security contact reviews (HazMat carriers)

# PURPOSE OF COMPLIANCE INVESTIGATIONS

- To assess existing safety management controls
- To provide educational and technical assistance
- To reduce the risk of motor vehicle crashes

# COMPLIANCE INVESTIGATION CLOSE OUT



The trooper will explain the findings of the review and discuss any suggestions for improving your safety program.

# VIOLATIONS MAY RESULT IN PENALTIES

## First compliance investigation

- May result in penalties up to \$5,000

## Follow-up compliance investigation

- May result in penalties up to \$25,000

## Second follow-up (and subsequent) compliance investigations

- May result in penalties up to \$25,000 and enjoinder (Out-of-Service order)

**FLORIDA HIGHWAY PATROL**  
**BUREAU OF COMMERCIAL VEHICLE**  
**ENFORCEMENT**

**Compliance Review Coordinator**

**Captain Kenny Morris 850-617-2284**

**Compliance Review Operational Analyst**

**Ashley McClellan 850-617-2282**

# RELATED WEBSITES:

Florida Department of Highway Safety and Motor Vehicles'  
Bureau of Commercial Vehicle Enforcement

<https://www.flhsmv.gov/florida-highway-patrol/specialized-areas/commercial-vehicle-enforcement>

United States Department of Transportation Federal Motor  
Carrier Safety Administration

<http://www.fmsca.dot.gov>

USDOT Transportation Safety Institute Courses on HazMat,  
Interstate operations, etc.

<http://www.tsi.dot.gov>



THANK YOU FOR YOUR  
ATTENTION AND SAFE  
OPERATIONS!