

WELCOME

to the



INTRASTATE NEW ENTRANT SAFETY SEMINAR

RESTROOMS



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

<https://www.flhsmv.gov/florida-highway-patrol/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/>



- Truckers Against Trafficking is raising up a mobile army of transportation professionals to assist law enforcement in the recognition and reporting of human trafficking, in order to aid in the recovery of victims and the arrest of their perpetrators.
- <https://truckersagainsttrafficking.org/>



Do You Need Help?
TEXT 233733 (BE FREE)
1-888-3737-888 (US)

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.

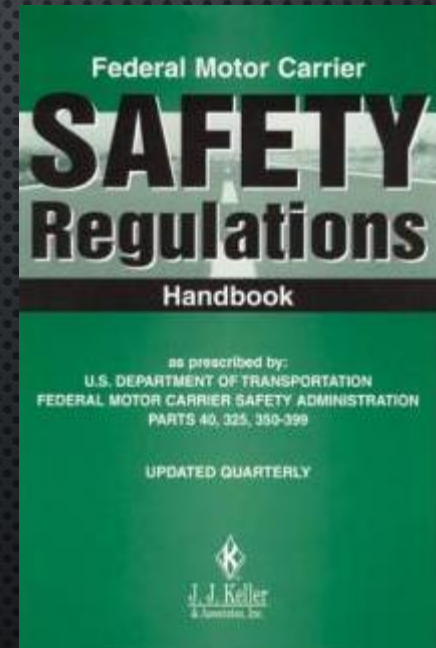
Furthermore, the purpose of this seminar

is not

to provide legal advice, but to offer general information on regulatory requirements.⁸

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 or 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 CONTINUED

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.

DEFINITIONS CONTINUED

GVW: Gross Vehicle Weight – Actual vehicle weight.

GVWR: Gross Vehicle Weight Rating – Manufacture's weight rating provided on the VIN plate of the vehicle.

GCWR: Gross Combined Weight Rating – Combined manufacture's weight rating provided on the VIN plate of all vehicles in a combination.

**If the VIN plate is missing from a vehicle the actual weight (GVW) will be used in place of the GVWR.*

FLORIDA STATE STATUTE 316.302

- Outlines everything that a carrier must abide by when operating a CMV within the state of Florida.
- Describes what FMCSRs (Federal Regulations) must be followed and gives guidance on applicable State Laws, including hours of service.
- Provides exemptions for certain vehicles and/or carriers
 - Agriculture Operations
 - Vehicles with a GVW, GVWR, and GCWR of 26,000 lbs. or less

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0316/Sections/0316.302.html

INTRASTATE VS. INTERSTATE

- This is determined by cargo and intent of the load.
- Typically, loads with a bill of lading showing an origin/destination inside of the state of Florida will be considered intrastate.
- Typically, loads with a bill of lading showing an origin/destination outside of the state of Florida will be considered interstate and must follow all applicable Federal Regulations.
- Most shipments being delivered to, or being picked up from, a seaport, airport, or rail yard are interstate shipments. Even if you only operate in the local vicinity, the load is an interstate shipment and you must abide by any applicable Federal Regulations.
- Picking up passengers from the airport on pre-arranged travel plans would also be considered interstate commerce.

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



WHO IS SUBJECT TO CONTROLLED SUBSTANCE & ALCHOL TESTING?

Drivers *required* to have a Commercial Driver's License:

- Interstate
- Intrastate
- For-Hire
- Private



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

50% (effective Jan. 1, 2020)

Alcohol

10%

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



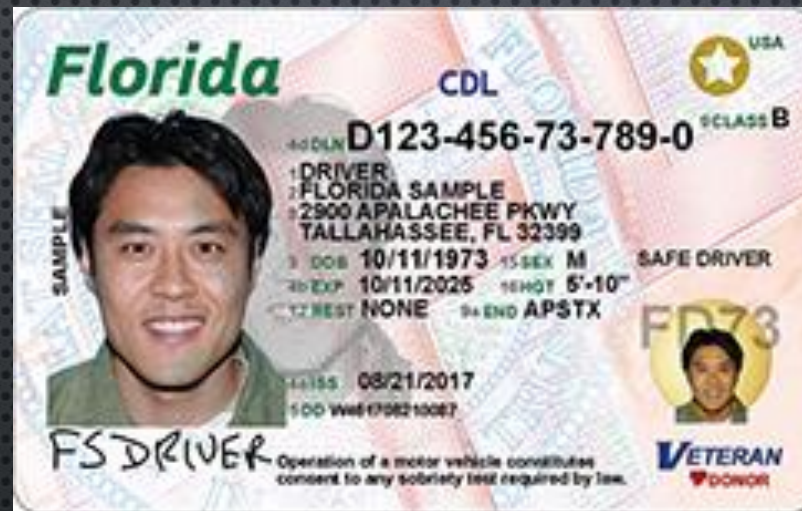
Maintain records for the minimum period of retention set forth in 49 CFR 382.401

MEDICAL MARIJUANA

- Medical marijuana is legal in the state of Florida, however, marijuana usage of any kind is still illegal by federal law.
- Because the drug and alcohol testing requirements are set to a federal standard, drivers legally using medical marijuana in the state of Florida will fail a required drug test. Marijuana usage while operating a CMV is still prohibited.



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 driver. **Class C CDLs are for vehicles in which a class A or B is not needed.*

MANUFACTURED BY			
FRIESEN WELDING			
For: JOHNSON TRAILERS			
DATE OF MANUFACTURE	9/98		
GVWR (UNIFORMLY DISTRIBUTED)	16,000	LBS.	7,257 KGS.
GAWR (MAXIMUM ALL AXLES)	7,000	LBS.	3,175 KGS.
TIRES	235		
RIMS	16		
COLD INFLATION PRESSURE	80	PSI	552 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	C1440	TYPE	Gooseneck
VIN	4WFGN2435W10002945		

LEGISLATIVE REMINDERS

FSS 322.61 adds violations that will result in disqualification from operating a CMV after violating an Out-of-Service Order (1st Offense = 180 days; 2nd 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 possessing 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

			Penalties		
Florida Statute	Federal Regulation	Violations	1 st Offense	2 nd Offense	3 rd 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 CFR 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*

ACCIDENT REGISTER

FROM _____, 20____ TO _____, 20____

[illegible]

BIENNIAL UPDATE OF USDOT

49 CFR 390.19

- File before beginning operations
 - \$500 Penalty for failure to register for a USDOT #
- File an update within the first year of operations and then every 24 months -- or when vital company information changes.
- Carriers can be penalized and have their USDOT # inactivated for failure to update.

USDOT number ending in	Must file by last day of
1	January.
2	February.
3	March.
4	April.
5	May.
6	June.
7	July.
8	August.
9	September.
0	October.

- If the next-to-last digit of its USDOT # is odd the motor carrier shall file its update every **ODD-NUMBERED** calendar year.
- If the next-to-last digit of its USDOT # is even the motor carrier shall file its update every **EVEN-NUMBERED** calendar year.

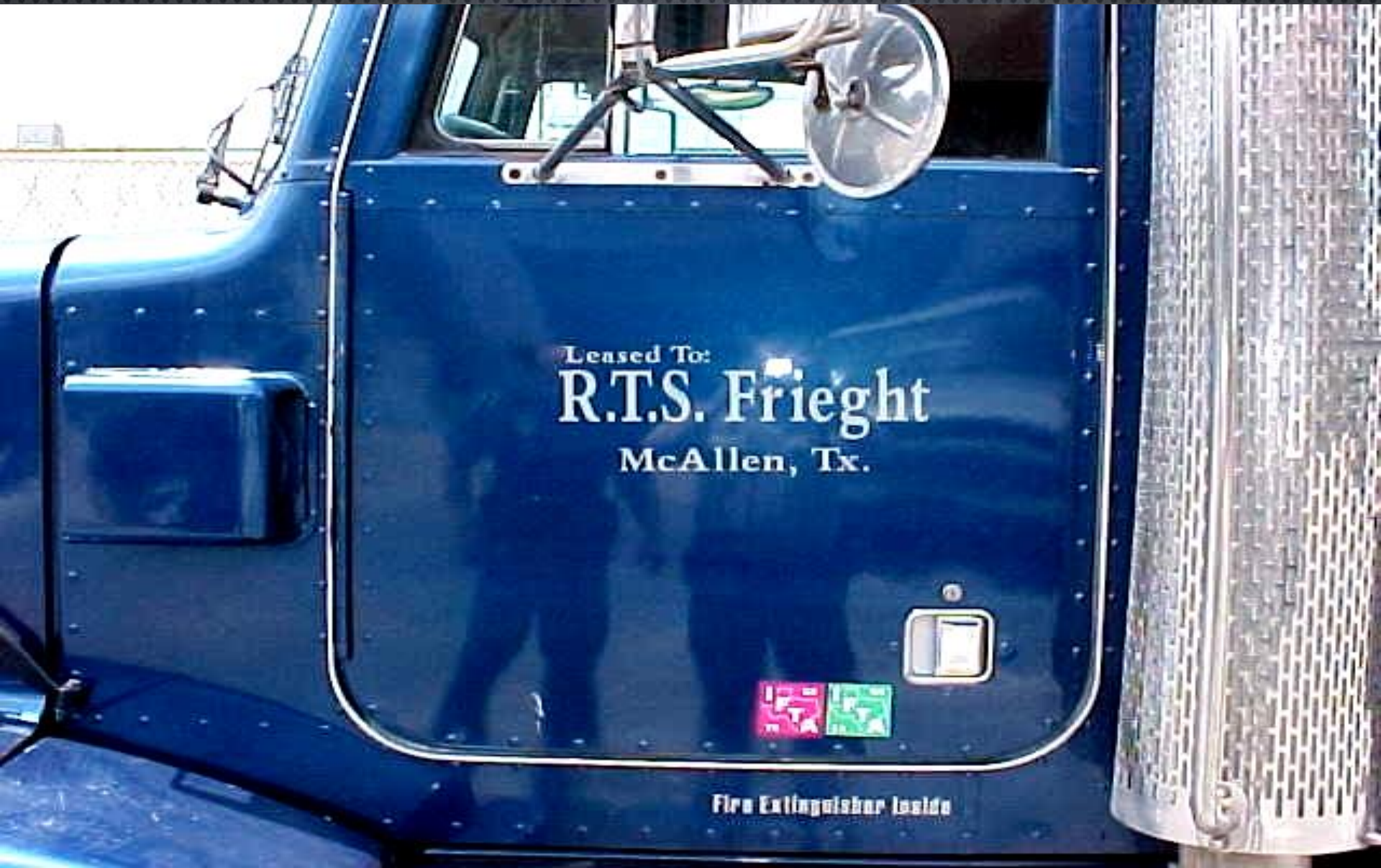
MARKING OF COMMERCIAL MOTOR VEHICLES

49 CFR 390.21

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

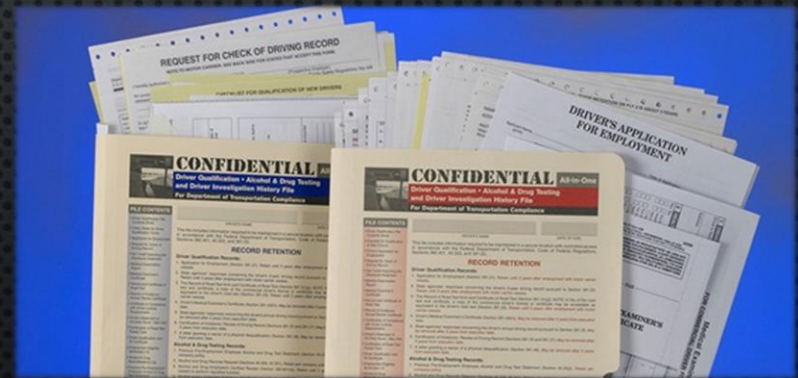
- Both sides of power unit
- Sharply contrasting color
- Legible from 50 feet
- If name of any other person appears carrier name must be preceded by “operated by”
- USDOT number must be preceded by the letters “USDOT”

\$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 a CMV
- Violations of Out-of-Service Orders

**Free Florida DL check: <https://services.flhsmv.gov/DLCheck/>*

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 review & 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"

**MOTOR VEHICLE
DRIVER'S CERTIFICATION
OF VIOLATIONS**

I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months.

[illegible]

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

(Driver's Signature)

(Motor Carrier's Address)

(Title)

Driver must report all tickets to carrier within 30 days. Each non-parking violation must be recorded by driver.

Carrier is to acquire driver's MVR each year and compare this list to the MVR and certify they've reviewed the MVR.

****This is to be completed
after driver is employed
more than 1 year.***

MEDICAL EXAMINER'S CERTIFICATE (MEDICAL CARDS)

- Through 2021, all CDL holders must provide a copy of their medical card to the state that issues their CDL. This can be presented in person at the driver license office, or uploaded online.
- Florida drivers may upload prior to the expiration date here:
<https://services.flhsmv.gov/CDLMedCert/>
- Expired medical cards must be taken in person.
- A driver's CDL will be disqualified and downgraded to a Class E if a new medical card is not provided within 20 days of expiration. During this time a carrier and driver can be cited. The driver will also have to pay a reinstatement fee.
- The Florida exemption for insulin dependent diabetics was removed from Florida State Statute effective October 1, 2019.

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:

- | | |
|--|--|
| <input type="checkbox"/> wearing corrective lenses | <input type="checkbox"/> driving within an exempt intracity zone (49 CFR 391.62) |
| <input type="checkbox"/> wearing hearing aid | <input type="checkbox"/> accompanied by a Skill Performance Evaluation Certificate (SPE) |
| <input type="checkbox"/> accompanied by a _____ waiver/exemption | <input type="checkbox"/> 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.

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

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>



PSP - MAKING ROADS SAFER ONE HIRE AT A TIME



Driver Information

Last Name	First Name	License #	State
LASTNAME1085720	ALLEN	LICENSE930195	GA

Crash Activity (5 year history from MCMIS snapshot date)

# of Crashes:	2	# of Crashes with Fatalities:	0	# of Crashes with Injuries:	1	# of Towaways:	2
# of Fatalities:	0	# of Injuries:	1	# of Hazmat Releases:	0		

Crash Details

	Date	DOT #	Carrier Name	Driver Name	Driver Lic	State	Driver DOB	Rpt St	Report Number	Location	# Fatalities	# Injuries
1	10/13/2009	2845720		Last Name 1085720, ALLEN	LICENSE930195	GA	08/20/1973	GA	GA9508046001	GA 11	0	1
2	01/23/2008	1809698		Last Name 1085720, ALLEN	LICENSE930195	GA	08/20/1973	GA	GA8032014401	I 285 SB EXPY NW	0	0

Inspection Activity (3 year history from MCMIS snapshot date)

Inspection Summary

Driver Summary				Vehicle Summary				Hazmat Summary			
Driver Inspections:		7		Vehicle Inspections:		4		Hazmat Inspections			0
Driver Out-of-service Inspections:		1		Vehicle Out-of-service Inspections:		0		Hazmat Out-of-service Inspections:			0
Driver Out-of-service Rate:		14%		Vehicle Out-of-service Rate:		0%		Hazmat Out-of-service Rate:			0%

Inspection Details

Carrier Info				Driver Info				Inspection Info				
	Date	DOT #	Carrier Name	Driver Name	Driver Lic	State	Driver DOB	Rpt St	Report Number	Hazmat Insp	Insp Level	# of Viol
1	05/06/2009	252989	Legal Name 530347	Last Name 1085720, ALLEN	LICENSE930195	GA	08/20/1973	NC	0005204640	N	1	0
2	03/06/2009	327574	Legal Name 75490	Last Name 1085720, ALLEN	LICENSE930195	GA	08/20/1973	TN	MDIF000030	N	1	0

Report executed at: 2/28/2011 2:30:24 PM

MCMIS snapshot date: 12/01/2010

* Violation charged to co-driver ** Post crash violation



PSP - MAKING ROADS SAFER ONE HIRE AT A TIME



3	02/13/2009	252989	Legal Name 530347	Last Name 1085720, ALLEN	LICENSE930195	GA	08/20/1973	GA	0133003366	N	3	0
4	09/12/2008	252989	Legal Name 530347	Last Name 1085720, ALLEN	LICENSE930195	GA	08/20/1973	GA	0276001033	N	3	3
Co-Driver Violation: 395.3(a)(2) 14 hour rule violation (Property) NON-OOS *												
Driver Violation: 395.3(a)(1) 11 hour rule violation (Property) NON-OOS												
Driver Violation: 395.3(a)(2) 14 hour rule violation (Property) NON-OOS												
5	08/14/2008	252989	Legal Name 530347	Last Name 1085720, ALLEN	LICENSE930195	GA	08/20/1973	TN	TBFH000063	N	2	0
6	07/02/2008	252989	Legal Name 530347	Last Name 1085720, ALLEN (Listed as Co-Driver)	LICENSE930195	GA	08/20/1973	AL	GSBH000857	N	3	2
Co-Driver Violation: 395.8 Log violation (general/form and manner) NON-OOS *												
Driver Violation: 395.8(e) False report of drivers record of duty status OOS												
7	03/28/2008	252989	Legal Name 530347	Last Name 1085720, ALLEN (Listed as Co-Driver)	LICENSE930195	GA	08/20/1973	FL	0399004258	N	1	0
Violation Summary												
Violation #	Description								# of Violations	# of Out-of-service Violations		
395.3(a)(1)	11 hour rule violation (Property)								1	0		
395.3(a)(2)	14 hour rule violation (Property)								1	0		
395.8	Log violation (general/form and manner)								1	0		

The summary counts and rates do not include violations that were a result of the crash. The summary counts and rates for the co-driver only include violations that were charged to the co-driver. Summary counts and rates for the primary driver do not include violations charged to the co-driver.

PART 392

DRIVING OF COMMERCIAL MOTOR VEHICLES

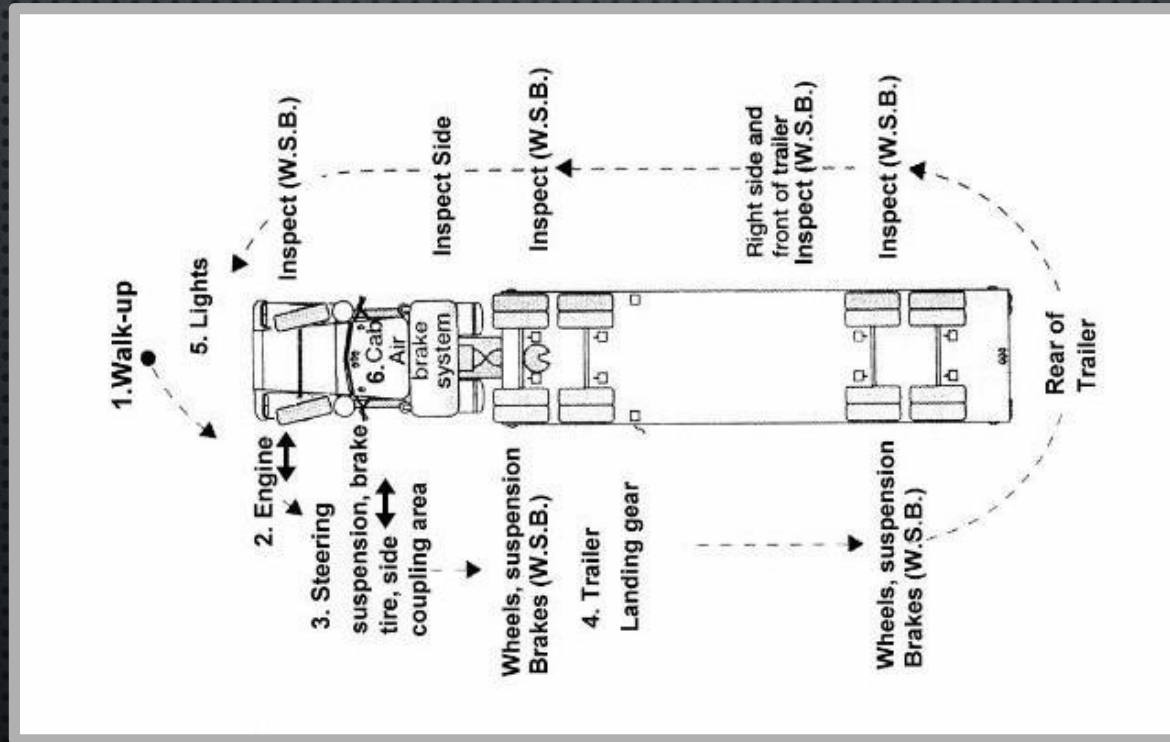


SCOPE OF THE RULES

- 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



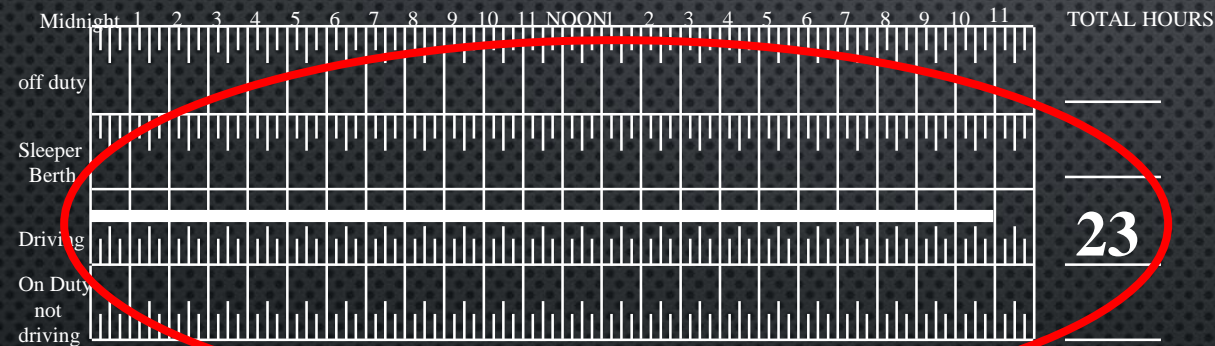
WHAT IS COVERED BY PART 393?

- 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 16th 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)

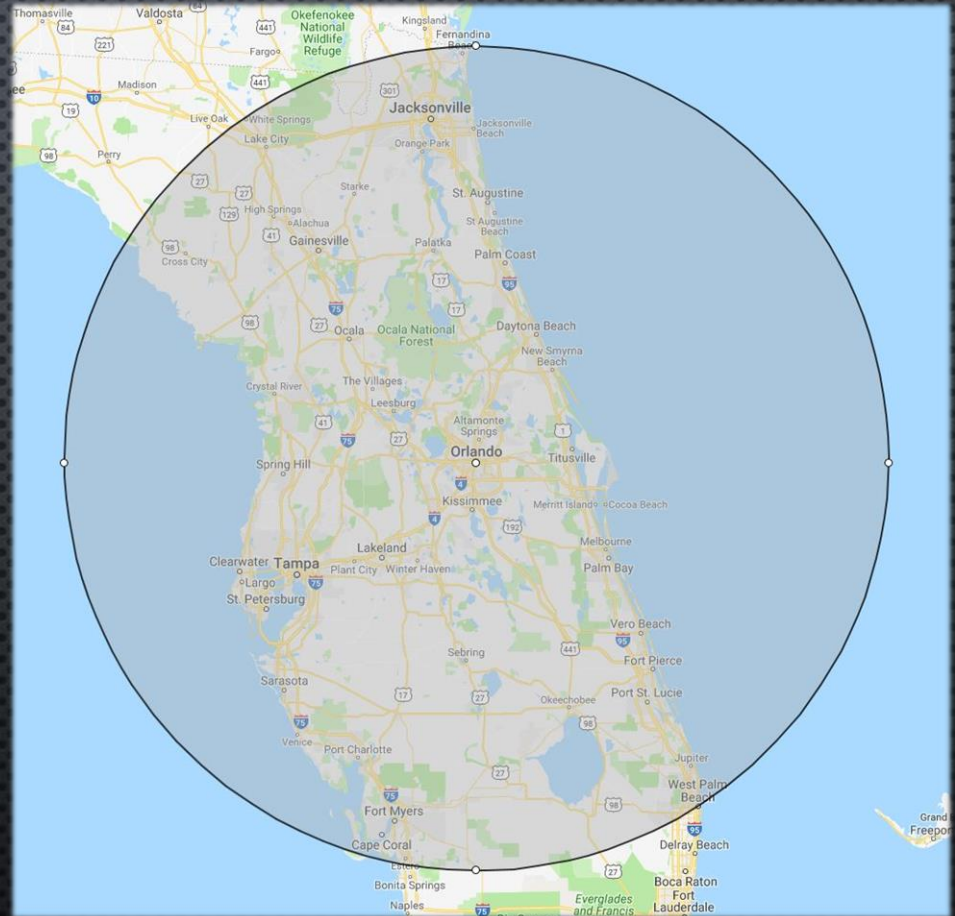
Within a 150 air-mile radius: Retain time records for 6 months showing:

- 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
- A log book is required for any days that the driver is not released from duty within 12 hours beginning October 1, 2019.

Beyond a 150 air-mile radius: Maintain records of duty status (ELD/Log Book) in accordance with 49 CFR 395.8 or 395.22 for 6 months.

150-Air Mile Radius Explained

- The center dot is Orlando, FL and the circle depicts 150 miles in every direction.
- If the driver remains inside of the circle, only time records are required.
- If the driver travels outside of the circle, an ELD or Log Book is then required.



ELD IMPLEMENTATION



- The usage of Electronic Logging Devices (ELDs) has been mandated for carriers operating in interstate commerce beginning December 18, 2017.
- The state of Florida passed HB725 mandating the use of ELDs for carriers operating in intrastate commerce in June 2019.
- ELDs used by carriers operating in intrastate commerce must conform to the rules and regulations set for by CFR 395.20 - 395.38
- Registered ELDs: <https://eld.fmcsa.dot.gov/List>
- Beginning January 1, 2020 any carrier requiring a log book for operations must have and ELD maintained in accordance with CFR 395.20 - 395.38.



ELD IMPLEMENTATION



ELD Exemptions

- Drivers who use the short-haul, timecard exceptions are not required to keep records of duty status (RODS) or use ELDs
- Drivers who are required to keep RODS not more than 8 days within any 30-day period.
- Drivers conducting a drive-away-tow-away operation, (an operation in which an empty or unladen motor vehicle with one or more sets of wheels on the surface of the roadway is being transported).
- Drivers of vehicles manufactured before the model year 2000.



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 14th 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

See 49 CFR 395.1

DRIVERS TRANSPORTING HAZMAT

CFR 395.3

- 100 air-mile radius drivers are exempt from 49 CFR 395.9 (ELD/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 15th 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 10 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. Retain records 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 MS66 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				
VEHICLE IDENTIFICATION												
<u>Unit</u>	<u>Type</u>	<u>Make</u>	<u>Year</u>	<u>State</u>	<u>Plate #</u>	<u>Equipment ID</u>	<u>VIN</u>	<u>GWR</u>	<u>CVSA #</u>	<u>CVSA Issued #</u>	<u>OOS Sticker</u>	
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.												
<small>ATTENTION DRIVER: This report must be provided to the motor carrier whose name appears at the top of this report.</small>												
<small>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 ensure 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 OCVS-Inspection@flhwp.gov within (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.</small>												
Signature Of Motor Carrier X:										Title:		Date:
<hr/>												
Report Prepared By: TPR M. WEAVER						Badge #: 2246		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 **NO LONGER** suffice for compliance.

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											
OK	NEEDS REPAIR	ITEM	OK	NEEDS REPAIR	ITEM	OK	NEEDS REPAIR	ITEM	OK	NEEDS REPAIR	ITEM
		1. BRAKE SYSTEM			4. FUEL SYSTEM			9. FRAME			
		a. Service Brakes			a. Visible leak			a. Frame Members			
		b. Parking Brake System			b. Fuel tank filler cap missing			b. Tire and Wheel Clearance			
		c. Brake Drums or Rotors			c. Fuel tank securely attached			c. Adjustable Axle Assemblies (Sliding Subframes)			
		d. Brake Hose			5. LIGHTING DEVICES			10. TIRES			
		e. Brake Tubing			All lighting devices and reflectors required by Section 393 shall be operable.			a. Tires on any steering axle of a power unit.			
		f. Low Pressure Warning Device			6. SAFE LOADING			b. All other tires.			
		g. Tractor Protection Valve			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.			11. WHEELS AND RIMS			
		h. Air Compressor			b. Protection against shifting cargo			a. Lock or Side Ring			
		i. Electric Brakes			7. STEERING MECHANISM			b. Wheels and Rims			
		j. Hydraulic Brakes			a. Steering Wheel Free Play			c. Fasteners			
		k. Vacuum Systems			b. Steering Column			d. Welds			
		2. COUPLING DEVICES			c. Front Axle Beam and All Steering Components Other Than Steering Column			12. WINDSHIELD GLAZING			
		a. Fifth Wheels			d. Steering Gear Box			Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions)			
		b. Pintle Hooks			e. Pitman Arm			13. WINDSHIELD WIPERS			
		c. Drawbar/Towbar Eye			f. Power Steering			Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.			
		d. Drawbar/Towbar Tongue			g. Ball and Socket Joints			List any other condition which may prevent safe operation of this vehicle.			
		e. Safety Devices			h. Tie Rods and Drag Links						
		f. Saddle-Mounts			i. Nuts						
		3. EXHAUST SYSTEM			j. Steering System						
		a. Any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment.			a. SUSPENSION						
		b. A bus exhaust system leaking or discharging to the atmosphere in violation of standards (1), (2) or (3).			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.						
		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.			b. Spring Assembly						
					c. Torque, Radius or Tracking Components.						
INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: <input checked="" type="checkbox"/> OK <input 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 while vehicle is in fleet; 6 months after vehicle leaves carrier's control

Annual Inspections: 14 months

Accident Register: 3 years

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 Office 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



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 CARRIERS SELECTED FOR COMPLIANCE INVESTIGATIONS?

- Crashes and HazMat incidents
- BASIC Alerts -- especially two or more alerts for two or more consecutive months
- 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



Checklist: **Close-Out Meeting**

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 injunction (Out-of-Service order)

ETA: The Motor Carrier Safety Planner

- ETA = Educational & Technical Assistance
- This online guide provides simple explanations and templates to help carriers understand and comply with Federal Motor Carrier Safety Regulations -- including a forms library.

<https://csa.fmcsa.dot.gov/safetyplanner/>

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>

Florida State Statutes On-Line

<http://www.flsenate.gov/Laws/Statutes>

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

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

FLORIDA HIGHWAY PATROL OFFICE OF COMMERCIAL VEHICLE ENFORCEMENT

Compliance Investigation Coordinator

Captain Charles Smalley 850-617-2284

Compliance Investigation Lieutenant

Lieutenant Michael Weaver 352-326-7776

Email Questions to:

newentrant@flhsmv.gov



THANK YOU FOR YOUR
ATTENTION AND SAFE
OPERATIONS!