



MOTOR CARRIER

GET STARTED

OCTOBER 2021

A "How To" booklet on getting your motor carrier company
in compliance with the transportation safety regulations.

INTRODUCTION

The Utah Motor Carrier Division has produced this “Get Started” booklet for the benefit of those motor carriers who recently received their authorization to operate (their DOT number) or have their DOT number but have not received education in the transportation safety regulations pertaining to their motor carrier operations.

This booklet provides basic compliance guidance to the Motor Carrier Safety Regulations. However, it is not intended to be a substitute for these regulations. To purchase a complete copy of the Federal Motor Carrier Safety Regulations (FMCSR), Parts 300-399, contact the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402, telephone: (202) 512-1800 or online at

<https://bookstore.gpo.gov/products/cfr-title-49-pt-300-399-code-federal-regulationspaper2020>

Our overall goal is to improve the safe transportation of passengers and goods on state and federal highways, through a coordinated effort of Federal, State, and industry organizations to reduce fatalities, injuries, property damage and hazardous materials incidents.

It is the responsibility of motor carrier operators and drivers to know and comply with all applicable FMCSRs. Safety compliance and safe operation translate into saved lives and property. We believe the information in this booklet, when effectively applied, will get you started on the road to compliance with the FMCSRs and will contribute to safer motor carrier operations and highways. For additional questions please contact:

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Motor Carrier Division
4501 South 2700 West, Box 148240
Salt Lake City, UT 84114-8240
Phone: (801) 965-4892
Fax: (801) 965-4847
Email: UDOTInvestigators@utah.gov

Disclaimer

The purpose of this booklet is to provide the information and forms a motor carrier, residing in Utah, needs to get started in their quest to become compliant with the Motor Carrier Safety Regulations. This booklet is not intended to take the place of published Federal agency regulations. It only paraphrases the Federal Motor Carrier Safety Regulations published in Title 49 of the U.S. Code of Federal Regulations. The contents of this booklet may not be relied upon as a substitute for the official text. The regulations issued by the U.S. Department of Transportation and its Operating Administrations are published in the Federal Register and compiled in the U.S. Code of Federal Regulations (CFR). Copies of appropriate volumes of the CFR in book format may be purchased from the Superintendent of Documents, U.S. Government Printing Office or examined at many libraries.

HOW TO USE THIS BOOKLET

To use this booklet all you need to do is answer a couple of questions and turn to the corresponding section. It's that easy! Just follow the steps below and you are getting started on the road to complying with the transportation safety regulations.

Step 1: Do you -the motor carrier-use a vehicle or combination of motor vehicles for your business and travel, or receive loads or product that originates or has a destination that is outside of the State of Utah or The United States of America which:

- **Have a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 10,001 pounds or more, whichever is greater; or**
- **Is designed or used to transport more than 8 passengers in interstate (including the driver) for compensation; or**
- **Is designed to transport 16 or more passengers, including the driver; or**
- **Is used in transporting material found by the Secretary of Transportation to be hazardous in a quantity requiring placarding.**

If your answer is **“Yes”** then you need to start with Section One of this booklet.

If your answer is **“No”** to the above four questions, then you can give this booklet to a friend who is a motor carrier, because your vehicles are not regulated by the Federal Motor Carrier Safety Regulations.

Step 2: Do you – the motor carrier – use a motor vehicle or a combination of motor Vehicles for your business in which you do not travel, or receive loads or product that originates or has a destination that is outside the State of Utah or The United States of America which:

- **Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or**
- **Have a gross vehicle weight rating or gross combination weight rating of 26,000 or more pounds and is operated by an individual that is 18 years old or older; or**
- **Has a gross vehicle weight rating or gross combination weight rating of 16,001 or more pounds and is operated by an individual 17 years old or younger; or**
- **Is designed to transport more than 12 passengers, including the driver and have a gross vehicle weight rating or gross combination weight rating of 13,000 pounds or more; or**
- **Is designed to transport 16 or more passengers, including the driver; or**
- **Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded.**

If **“Yes”** then you need to comply with the requirements listed in Section Two of this booklet... in addition to the requirements listed in Section One.

If **“No”** then all you need to get started is to **comply with Section One.**

New Intrastate Definition (UCA 72-9-102(3)) Flowchart

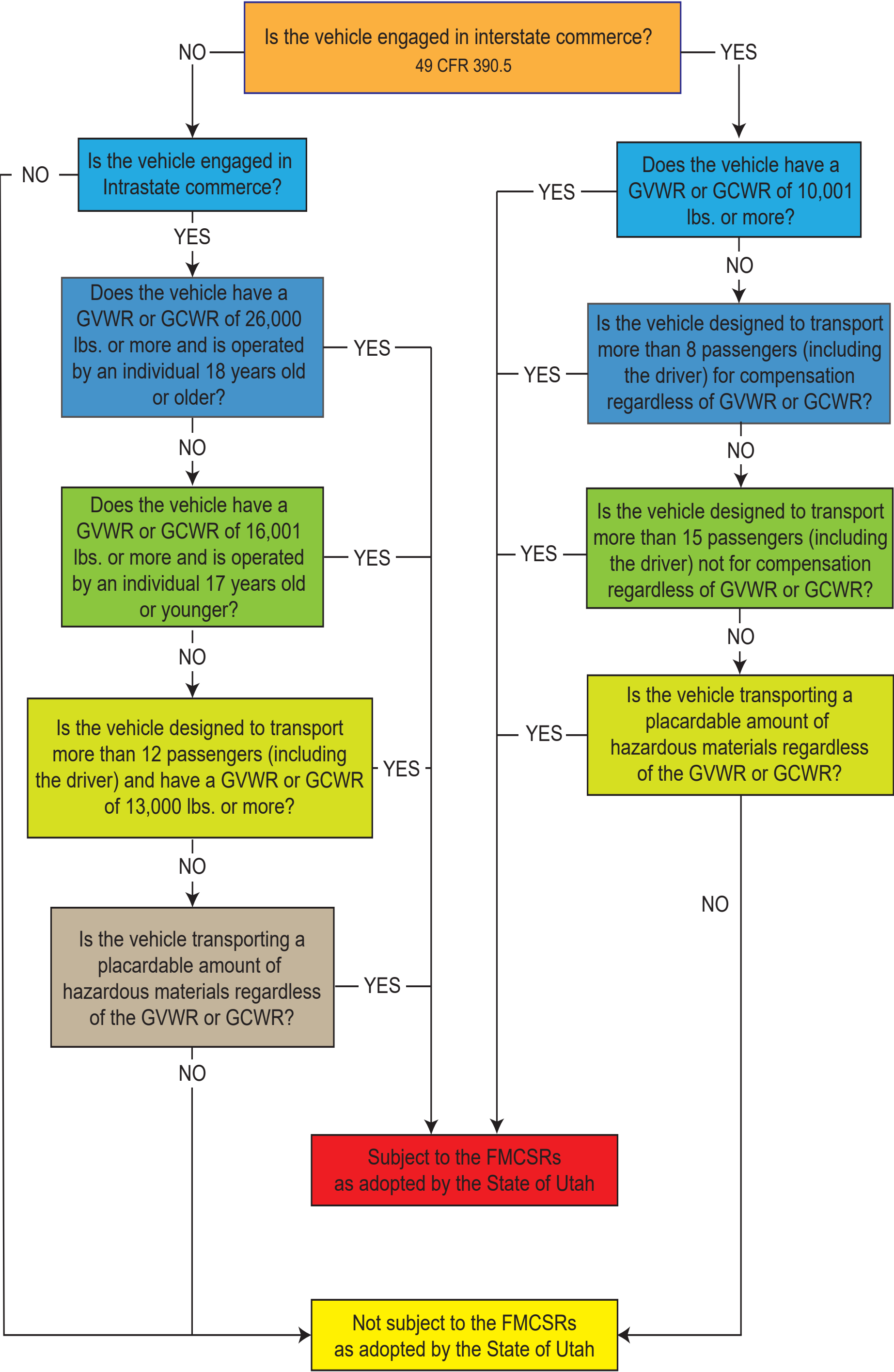


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Title 49 CFR, Part 387

Minimum Levels of Financial Responsibility for Motor Carriers

Financial responsibility means having insurance policies or surety bonds sufficient to satisfy the minimum public liability requirements. Public liability means liability for bodily injury, property damage and environmental restoration. Environmental restoration means restitution for the loss, damage or destruction of natural resources arising out of an accidental discharge of toxic or other environmentally harmful materials or liquids.

**Requirements
for Financial
Responsibility**

Federal Regulations state: Motor Carriers of property operating commercial motor vehicles in interstate commerce and for hire carriers of passengers operating in interstate/intrastate or foreign commerce must have at least the minimum amount of insurance required by law.
(See Schedule of Limits in this folder for Minimum levels of Financial Responsibility.)

Proof

- Proof may be shown by any of the following:
- MCS-90**
- Endorsements for Motor Carriers of Property policies of insurance for public
 - Liability under Sections 39 and 30 of the Motor Carrier Act of 1980 (Form MCS-90) issued by an insurer.
 - Endorsements for Motor Carriers of Passengers policies of insurance for public
 - Liability under Sections 18 of the Bus Regulatory Reform Act of 1982 (Form MCS-90B)
- MCS-82 (Surety Bond)**
- A motor carrier surety bond for public liability under Section 30 of the Motor Carrier Act of 1980 (Form MCS-82) issued by a surety.
 - A motor carrier of Passengers Surety Bond for public liability under Section 18 of the Bud Regulatory Act of 1982 (Form MCS-82B*)
 - A written decision, order or authorization of the interstate Commerce Commission authorizing the motor carrier to self-insure under 49 CFR 1043.5

Utah has adopted these regulations for all intrastate carriers as well under **R909-1**.

R909-1-2. Adoption of Federal Regulations.
Licensed child care providers operating a passenger vehicle with a seating capacity of not more than 30 passengers, and wholly in intra-state commerce, are exempt from 49 CFR Part 387 Subpart B but are subject to the minimum coverage requirements in Section 72-9-103

R909-1-3. Insurance for Private Intrastate/Interstate Motor Carriers.
A. Private motor carrier means a person who provides transportation of property or passengers by commercial motor vehicle, and is not a for-hire carrier.
B. All private motor carriers shall have a minimum amount of **\$750,000 liability**.
C. All intrastate for-hire and private motor carriers transporting any quantities of oil listed in 49 CFR 172.101; hazardous waste, hazardous material and hazardous substances defined in 49 CFR 171.101, shall have **\$1,000,000** minimum level of financial responsibility and a MCS-90 endorsement maintained at the principal place of business.

USDOT Number: _____ Date Received: _____

Please note, the expiration date as stated on this form relates to the process for renewing the Information Collection Request for this form with the Office of Management and Budget. This requirement to collect information as requested on this form does not expire. For questions, please contact the Office of Registration and Safety Information, Registration, Licensing, and Insurance Division.

A Federal Agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0008. Public reporting for this collection of information is estimated to be approximately 2 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-RRA, Washington, D.C. 20590.



Endorsement for Motor Carrier Policies of Insurance for Public Liability
under Sections 29 and 30 of the Motor Carrier Act of 1980

FORM MCS-90

Issued to _____ of _____
(Motor Carrier name) *(Motor Carrier state or province)*

Dated at _____ on this _____ day of _____, _____

Amending Policy Number: _____ Effective Date: _____

Name of Insurance Company: _____

Countersigned by: _____
(authorized company representative)

The policy to which this endorsement is attached provides primary or excess insurance, as indicated for the limits shown *(check only one)*:

☐ This insurance is primary and the company shall not be liable for amounts in excess of \$ _____ for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the Federal Motor Carrier Safety Administration (FMCSA), the company agrees to furnish the FMCSA a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FMCSA , to verify that the policy is in force as of a particular date. The telephone number to call is: _____.

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the FMCSA's registration requirements under [49 U.S.C. 13901](#), by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date the notice is received by the FMCSA at its office in Washington, DC).

Filings must be transmitted online via the Internet at <http://www.fmcsa.dot.gov/urs>.

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DEFINITIONS AS USED IN THIS ENDORSEMENT

Accident includes continuous or repeated exposure to conditions or which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

Motor Vehicle means a land vehicle, machine, truck, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway for transporting property, or any combination thereof.

Bodily Injury means injury to the body, sickness, or disease to any person, including death resulting from any of these.

Property Damage means damage to or loss of use of tangible property.

Environmental Restoration means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

Public Liability means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Motor Carrier Safety Administration (FMCSA).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon,

or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of anyone accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

(continued on next page)

SCHEDULE OF LIMITS — PUBLIC LIABILITY

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

*The schedule of limits shown does not provide coverage. The limits shown in the schedule are for information purposes only.

USDOT Number: _____ Date Received: _____

Please note, the expiration date as stated on this form relates to the process for renewing the Information Collection Request for this form with the Office of Management and Budget. This requirement to collect information as requested on this form does not expire. For questions, please contact the Office of Registration and Safety Information, Registration, Licensing, and Insurance Division.

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Endorsement for Motor Carrier Policies of Insurance for Public Liability
under Section 18 of the Bus Regulatory Reform Act of 1982

FORM MCS-90B

Issued to _____ of _____
(Motor Carrier name) *(Motor Carrier state or province)*

Dated at _____ on this _____ day of _____, _____

Amending Policy Number: _____ Effective Date: _____

Name of Insurance Company: _____

Countersigned by: _____
(authorized company representative)

The policy to which this endorsement is attached provides primary or excess insurance, as indicated for the limits shown *(check only one)*:

- ☐ This insurance is primary and the company shall not be liable for amounts in excess of \$ _____ for each accident.
- ☐ This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the Federal Motor Carrier Safety Administration (FMCSA), the company agrees to furnish the FMCSA a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FMCSA , to verify that the policy is in force as of a particular date. The telephone number to call is: _____.

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the FMCSA's registration requirements under [49 U.S.C. 13901](#), by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date the notice is received by the FMCSA at its office in Washington, DC).

Filings must be transmitted online via the Internet at <http://www.fmcsa.dot.gov/urs>.

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DEFINITIONS AS USED IN THIS ENDORSEMENT

Accident includes continuous or repeated exposure to conditions or which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

Bodily Injury means injury to the body, sickness, or disease to any person, including death resulting from any of these.

Motor Vehicle means a for-hire carrier of passengers by motor vehicle.

Property Damage means damage to or loss of use of tangible property.

Public Liability means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a for-hire motor carrier of passengers with Section 18 of the Bus Regulatory Reform Act of 1982 and the rules and regulations of the Federal Motor Carrier Safety Administration.

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment received against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 18 of the Bus Regulatory Reform Act of 1982 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured’s employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from

the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured.

However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company’s liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

SCHEDULE OF LIMITS — PUBLIC LIABILITY

For-hire motor carriers of passengers
operating in interstate or foreign commerce

The Bus Regulatory Reform Act 1982 requires limits of financial responsibility according to vehicle seating capacity, it is the **Motor Carrier’s** obligation to obtain the required limits of financial responsibility. **The schedule of limits shown below does not provide coverage.** The limits shown in the schedule are for information purposes only.

Vehicle seating capacity	Minimum limits
(1) Any vehicle with a seating capacity of 16 passengers or more.	\$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less.	\$1,500,000

49 CFR, Part 390

Federal Motor Carrier Safety Regulations; General

General Applicability	<p>The Federal Motor Carrier Safety Regulations (FMCSR) applies to all employers, employees and commercial motor vehicles transporting property or passengers in interstate/intrastate commerce.</p>
What is a D.O.T. reportable accident?	<p>An occurrence involving a commercial motor vehicle operating on a public road that results in at least one of the following:</p> <ul style="list-style-type: none">• A fatality;• Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;• Disabling damage to one or more motor vehicles, requiring the vehicle(s) to be towed or otherwise transported from the scene by a tow truck or other vehicle.
Accident Register	<p>For a period of three years after an accident occurs, motor carriers are required to maintain an accident register containing the following information; (see page #17 for example)</p> <ul style="list-style-type: none">• Time and place of accident;• Driver’s name• Number of injuries and fatalities• Hazardous materials released if any, (other than fuel)• Make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative within such time as the request or investigation may specify..

ACCIDENT REGISTER

COMPANY NAME:

Number	Date	Location (City, State)	Driver Name	Number Injuries	Number Fatalities	Vehicles Towed	Hazmat Incident
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[illegible]

Note: This form is not mandatory; however, the information contained herein is illustrative of information required in Part 390.15

Vehicle Identification	<p>Every commercial motor vehicle operated by a motor carrier must be marked on both sides of the vehicle with the following:</p> <ul style="list-style-type: none">• Name of motor carrier, or trade name• The USDOT number. The number must be preceded by USDOT.• Marked in clearly contrasting colors, visible within 50 feet.
Obtaining a USDOT number and Updating MCS-150	<p>To obtain a USDOT number go to: https://www.fmcsa.dot.gov/registration/getting-started</p> <p>Each motor carrier must update their information using the Carrier Identification Report, Form MCS-150, every 24 months (Refer to Part 390.19 for renewal schedule). This can be accomplished at: https://www.fmcsa.dot.gov/registration/updating-your-registration</p> <p>To set up an account, make changes and monitor your company information go to: https://portal.fmcsa.dot.gov/login</p>
Data Qs	<p>DataQs allows you to challenge information that you feel is incorrect or inaccurate: dataqs.fmcsa.dot.gov</p>

Title 49 CFR, Part 391

Qualification of Drivers

Requirements	<p>A driver must:</p> <ul style="list-style-type: none">• Be physically qualified under 49 CFR 391.41;• Be 18 years old for intrastate transportation,• Be 21 years old for interstate transportation, or when hauling placarded amounts of hazardous materials or driving commercial vehicles designed to transport 16 or more passenger including the driver.• Read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records• Have a driver’s license that is valid for the type of vehicle driven;• Be able to drive the vehicle safely• Not be disqualified from driving a commercial motor vehicle, per 391.15.
Medical Requirements	<p>A driver must be medically certified as per 391.45, which requires the certification be done at a minimum every 24 months. Details for medical examinations are found in 49 CFR, 391.43.</p>
Non-CDL medical	<p>Non-CDL drivers must have in possession their current valid medical certification.</p>
CDL Medical	<p>Medical certifications must be provided to Utah Driver’s License Division within 15 days to be medically certified, as per 383.71. They need to have a valid CDL in possession.</p>
Skills Performance Evaluation (SPE)	<p>Under certain circumstances, a driver may be granted a Skills Performance Evaluation (SPE) from the following physical qualification requirements; vision, insulin-dependent diabetes, deaf and hard of hearing, and limb impairment. An application requesting an SPE for intrastate drivers must be submitted to the Utah Driver’s License Division. A request for an SPE for interstate drivers must be submitted to the Division Administrator, FMCSA. The medical examiner’s certificate and the SPE document must be carried in the commercial vehicle at all times while being operated.</p>
The Pre-Employment Screening Program (PSP)	<p>The PSP is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration’s (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: https://www.psp.fmcsa.dot.gov</p>

**Driver
Qualification File
(DQ)**

Part 391.51 - A carrier must maintain a driver qualification file for each of its drivers. The file is to be kept at the carrier’s principal place of business for as long as the driver is employed by the carrier and for three years after the driver leaves the carrier’s employ.

**LCV Certification
Requirements**

CDL Drivers of Longer Combination Vehicles (LCV), as defined in 49 CFR 380.105, must meet minimum requirements for special training through:

- LCV Driver-Training Certificate of Grandfathering (in accordance with 49 CFR 380.107 - 380.401), or
- LCV Driver-Training Certificate

**FMCSA Drug &
Alcohol
Clearinghouse**

The FMCSA Drug & Alcohol is now fully operational, and mandatory use is now in effect. The clearinghouse is part of the FMCSA website located at clearinghouse.fmcsa.dot.gov

The Clearinghouse rule requires FMCSA regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), consortia/third party administrators (C/TPAs), and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in 49 CFR Parts 40 and 382 by current and prospective employees.

Employers are required to perform a Full Query through the Clearinghouse for current and prospective CDL and CLP employees’ drug and alcohol violations before permitting those employees to operate a CMV on public roads. Full Queries require Driver’s consent to be given electronically, through the Clearinghouse. If the driver refuses consent, the employer is notified of refused consent, the query cannot be conducted, and the driver cannot perform (or is removed) from safety-sensitive functions (such as operating a CMV). If consent is provided, the query is conducted and full violations and/or RTD details are released, if any.

Employers are required to annually perform a Limited Query the Clearinghouse for each CDL/CLP driver they currently employ. Limited Queries require consent be obtained outside the Clearinghouse, using a Limited Consent form that specifies the time range for the query, and may be signed by the driver electronically or by wet signature. If consent is refused, a query cannot be conducted and the driver is removed from safety-sensitive functions (such as operating a CMV). If consent is provided, the company is required to be retained either paper or electronically in the driver’s qualification file, and the limited query is requested through the Clearinghouse.

How do I use the Clearinghouse?

Employers:
Create a login at <http://clearinghouse.fmcsa.dot.gov>. Report drug and alcohol violations and check that no current or prospective employee is prohibited from performing safety-sensitive functions (such as operating a CMV) due to drug and alcohol program violations for which a driver has not successfully completed a Return-To-Duty (RTD) process.

Set up authorization for Consortium/Third-Party Administrators to add information. Carrier MUST be set up as an Administrator.

CDL Drivers:
View own record, provide consent to current or prospective employers to access details about any drug and alcohol program violations, and select a Substance Abuse Professional, if needed.

Medical Review Officers:
Report verified positive drug test results and test refusals.

Substance Abuse Professionals:
Report RTD initial assessment and eligibility status for RTD testing.

Consortium/Third-Party Administrators:
On behalf of an employer, report drug and alcohol program violations and perform driver queries as required.

State Driver Licensing Agencies:
Query the Clearinghouse prior to completing licensing transactions.

Query Plans

The cost of querying the Clearinghouse is borne by the employer. Query plans are available based on number of queries per year, and are set at \$1.25 flat rate per query.

Clearinghouse Results	<p>Full Query Results:</p> <p>Prohibited: If driver has a violation and no negative RTD test result, driver is removed from safety-sensitive functions (such as operating a CMV).</p> <p>Not Prohibited: If a driver has no violations, or a violation and a negative RTD test result, no action required.</p> <p>Limited Query Results:</p> <p>No Records Found: If no records are found in the Clearinghouse for queried driver, no action is required.</p> <p>Records Found If records are found in the Clearinghouse for queried driver, a Full Query must be conducted for violation and/or return-to-duty (RTD) details to be released. If the Full Query is not conducted within 24 hours, the driver is removed from safety-sensitive functions (such as operating a CMV).</p>
Clearinghouse Website	clearinghouse.fmcsa.dot.gov
Clearinghouse FAQs	clearinghouse.fmcsa.dot.gov/FAQ
Clearinghouse Registration	clearinghouse.fmcsa.dot.gov/ Register

DRIVER QUALIFICATION FILE CHECKLIST

Every motor carrier must have a driver qualification (DQ) file for each regularly employed driver. The file must include the following:

- ☐ Driver's Application for Employment (49 CFR 391.21). A person will not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment.
- ☐ Inquiry to Previous Employers must be conducted within 30 days of the date that his/her employment begins for the preceding 3 years as follows:
 - (a). Investigations shall include information concerning out-of-service violations, misuse of controlled substance or alcohol and accident history.
 - (b). In addition for CDL drivers you must conduct previous employer inquiries regarding drug and alcohol testing and prohibitions, and a full query through the FMCSA Drug & Alcohol Clearinghouse as per 391.23(e). Information must be kept as per 391.53.
- ☐ Inquiry to State Agencies – 3 years (49 CFR 391.23(a) (1) & (b) – (new hire MVR). The driver's driving record (MVR) for the preceding three years. Must be obtained within **30 days** of employment.
- ☐ Driver's Road Examination and Certificate (49 CFR 391.31) **or** copy of valid CDL (49 CFR 391.33). A copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test.
- ☐ Medical certificates must be in the driver qualification file as follows:
 - (a) Non-CDL drivers must have a Medical Examiner's Certificate as required by (49 CFR 391.43) or a legible copy of the certificate. (391.51(b)(7)(i),
 - or**
 - (b) CDL drivers must have a CDLIS (MVR) which contains medical certification. The MVR must be obtained by the motor carrier each time the driver gets a new medical or renews their medical certificate. The report must be obtained within 15 days of the driver submitting the medical certificate to the State. (391.51)(b)(7)(ii).
- ☐ Drivers are required to be examined by a medical examiner listed on the National Registry of Certified Medical Examiners (NRCME). The carrier is required to place a note in the driver's qualification file verifying that the medical examiner is listed on the registry as required by 391.23(m).
- ☐ Annual MVR and Review of Driving Record (49 CFR 391.25) **and** Annual Driver's List of Violations and Certification (49 CFR 391.27). At least once every 12 months a motor carrier must obtain and review the driving record of each driver.

Employment Application

Company Name

Address

City, State, ZIP

Phone Number

Position Applying For: _____ Date of Application: _____

Name: _____ Social: _____

LastFirstMiddle

Current Address: _____ from _____ to _____

StreetCityStateZIP

Phone: _____ Birth Date: _____

Previous
Addresses: _____ from _____ to _____
(3 years) StreetCityStateZIP

Previous: _____ from _____ to _____

StreetCityStateZIP

Previous: _____ from _____ to _____

StreetCityStateZIP

Use backside of sheet for additional addresses

Driver’s License Information: List all licenses held within the previous three years

License Number _____ Class _____ State _____ Exp. Date _____

License Number _____ Class _____ State _____ Exp. Date _____

License Number _____ Class _____ State _____ Exp. Date _____

Have you ever had any driver’s license denied, suspended, revoked, or canceled by any state agency? YES ☐ NO ☐ If yes, give state of issue and explanation of circumstances _____

Use backside of sheet for additional space if needed

Driving Experience

Types of Equipment (Truck, Trailer, tank, etc.)	Dates		Approx. Mileage Driven (total)
	To	From	

List all traffic violation convictions for the previous 3 years (write NONE, if none.)

Date	Location	Violation	Commercial Vehicle
			<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>

List all accidents for the previous 3 years (write NONE, if none)

Date	Nature of Accident	Fatalities	Injuries

Employment History

List all employment for the previous 3 years, all driving jobs for the previous 10 years, including any gaps between employers.

Employer:	Period of Employment		Supervisor:
Address:	From:	To:	Telephone:
City, State, ZIP			
Title and Duties:			
Reason for Leaving:			
Were you subject to the Federal Motor Carrier Safety Regulations during this period? YES <input type="checkbox"/> NO <input type="checkbox"/> Were you subject to 49 CFR Part 40, controlled substances and alcohol testing during this period? YES <input type="checkbox"/> NO <input type="checkbox"/>			

Employer:	Period of Employment		Supervisor:
Address:	From:	To:	Telephone:
City, State, ZIP			
Title and Duties:			
Reason for Leaving:			
Were you subject to the Federal Motor Carrier Safety Regulations during this period? YES <input type="checkbox"/> NO <input type="checkbox"/> Were you subject to 49 CFR Part 40, controlled substances and alcohol testing during this period? YES <input type="checkbox"/> NO <input type="checkbox"/>			

Employer:	Period of Employment		Supervisor:
Address:	From:	To:	Telephone:
City, State, ZIP			
Title and Duties:			
Reason for Leaving:			
Were you subject to the Federal Motor Carrier Safety Regulations during this period? YES <input type="checkbox"/> NO <input type="checkbox"/> Were you subject to 49 CFR Part 40, controlled substances and alcohol testing during this period? YES <input type="checkbox"/> NO <input type="checkbox"/>			

(Use Additional Sheet if Needed)

For Driver applicants of commercial motor vehicles that require a Commercial Driver’s License (CDL) the applicant must disclose their controlled substance and alcohol status per the requirements of 49 CFR part 40.25(j).

As a perspective driver employee, you will have the right to review information provided by previous employers. You have the right to have errors in the information corrected by the previous employer(s) and for that previous employer(s) to re-send the corrected information to the prospective employer; the right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and the driver cannot agree on the accuracy of the information.

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

Certification

“I certify that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.”

Applicant’s Signature

Date Signed

Previous Employer Driver Inquiry

PART 1:TO BE COMPLETED BY PROSPECTIVE EMPLOYEE

I, _____
FIRSTM.I.LASTSOCIAL SECURITY NUMBER

Do hereby authorize my:

Previous Employer: _____Phone: _____
Address: _____Fax: _____
City, State, Zip: _____E-mail: _____

To release all information regarding my services, character, and conduct while in your employ, and you are released from any and all liability, which may result from furnishing such information to the prospective employer listed below:

Prospective Employer: _____Phone: _____
Address: _____Fax: _____
City, State, Zip: _____E-mail: _____

APPLICANT'S SIGNATUREDATE

PART 2:TO BE COMPLETED BY PREVIOUS EMPLOYER

1. The applicant named above was employed by us from (m/y) _____ to (m/y) _____

2. What kind(s) of work did the applicant do? _____

3. Did the applicant drive a motor vehicle for your? ☐ Straight Truck ☐ Tractor/Semi-trailer ☐ Bus
☐ Passenger Vehicle ☐ Other

4. Was the applicant a safe and efficient driver? _____

5. Was the applicant involved in any accidents? ☐ Yes ☐ No If so, include dates (d/m/y), and brief explanation: _____

6. Was the driver ever placed out-of-service for hours of service violations? ☐ Yes ☐ No Explanation: _____

7. Did the applicant misuse alcohol or use a controlled substance? ☐ Yes ☐ No

8. Was the applicant's general conduct satisfactory? ☐ Yes ☐ No

9. Reason for leaving your employ: ☐ Discharged ☐ Laid Off ☐ Resigned

10. Remarks: _____

Print Name: _____Position: _____

Signature: _____Date: _____

The Federal Motor Carrier Safety Regulations require all previous employers of this applicant to respond to this request for information within 30 days. Failure to comply with this request is in violation of 49 CFR Part 391.23

24 GET STARTED

Drug and Alcohol Previous Employer Inquiry			
PART 1:		TO BE COMPLETED BY PROSPECTIVE EMPLOYEE	
<div>I, <div>FIRST</div> <div>M.I.</div> <div>LAST</div> <div>SOCIAL SECURITY NUMBER</div></div>			
Do hereby authorize my:			
Previous Employer:		Phone:	
Address:		Fax:	
City, State, Zip:		E-mail:	
To release all information regarding my services, character, and conduct while in your employ, and you are released from any and all liability, which may result from furnishing such information to the prospective employer listed below:			
Prospective Employer:		Phone:	
Address:		Fax:	
City, State, Zip:		E-mail:	
APPLICANT'S SIGNATURE		DATE	
PART 2:		TO BE COMPLETED BY PREVIOUS EMPLOYER	
If driver was not subject to Department of Transportation testing requirements while employed by your company, please check here. <input type="checkbox"/> Reason not subject:			
The applicant named above was employed by us from (m/y) to (m/y) and was subject to Department of Transportation drug and alcohol requirements.			
<div>1. Has this person had an alcohol test with the result of 0.04 or higher alcohol concentration? <input type="checkbox"/> Yes Date <input type="checkbox"/> No</div> <div>2. Has this person tested positive or adulterated or substituted a test specimen for controlled substances? <input type="checkbox"/> Yes Date <input type="checkbox"/> No</div> <div>3. Has this person refused to submit to a post-accident, random, reasonable suspicion, follow-up alcohol or controlled substance test? <input type="checkbox"/> Yes Date <input type="checkbox"/> No</div> <div>4. Has this person committed any other violation of Subpart B of Part 382, or Part 40? <input type="checkbox"/> Yes Date <input type="checkbox"/> No</div> <div>5. If this person has violated a DOT drug and alcohol regulation, did this person complete a SAP-prescribed rehabilitation program in your employ, including return-to-duty and follow-up tests? If yes, please send documentation back with this form. <input type="checkbox"/> Yes Date <input type="checkbox"/> No</div> <div>6. For a driver who successfully completed a SAP's rehabilitation referral and remained in your employ, did this driver subsequently have an alcohol test result of 0.04 or greater, a verified positive drug test, or refuse to be tested? <input type="checkbox"/> Yes Date <input type="checkbox"/> No</div> <div>7. In answering these questions, include any required DOT drug or alcohol testing information obtained from prior previous employers in the previous 3 years prior to application date.</div>			
Person providing information:			
Print Name:		Position:	
Signature:		Date:	
The person identified above is seeking employment with this company, as a driver who is subject to the alcohol/controlled substance testing provision of the Federal Motor Carrier Safety Regulations of 49 CFR Part 40.25 and Part 382.413. Pursuant to the aforementioned codes, with the driver's written consent, we request the results of related testing of this individual while in your control.			

ANNUAL VIOLATION AND REVIEW RECORD

Driver’s Name:

(PLEASE PRINT OR TYPE)

I. CERTIFICATION OF VIOLATIONS (Part 391.27)

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.

Date	Offense	Location	Type Vehicle Operated

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.

DATE OF CERTIFICATION

DRIVER’S SIGNATURE

II. ANNUAL REVIEW OF DRIVING RECORD (Part 391.25)

- ☐ The driver meets the minimum requirements for safe driving, or
- ☐ The driver is disqualified to drive a commercial motor vehicle pursuant to Part 391.15

MOTOR CARRIER’S NAME

MOTOR CARRIER’S ADDRESS

REVIEWED BY SIGNATURE

TITLE

DATE

DRIVER’S ROAD TEST EXAMINATION

Driver’s Name: Phone:

Driver’s Address:

City: State: Zip:

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

Rating of Experience

- The pre-trip inspection. (As required by Part 392.7)
- Coupling and uncoupling of combination units, if the equipment he or she may drive includes combination units.
- Placing the equipment in operation.
- Use of vehicle’s controls and emergency equipment.
- Operating the vehicle in traffic and while passing other vehicles.
- Turning the vehicle.
- Braking, and slowing the vehicle by means other than braking.
- Backing and parking the vehicle.
- Other, Explain:

Type of equipment used in giving test:

Date Examiner’s Signature

If the road test is successfully completed, the person who gave it shall complete a certificate of driver’s road test.

CERTIFICATE OF DRIVER’S ROAD TEST

Instructions: If the road test is successfully completed, the person who gave it shall complete a certificate of the driver’s road test. The original or copy of the certificate shall be retained in the employing motor carriers driver qualification file of the person examined and a copy given to the person who was examined. (49 CFR 391.33(e)(f)(g))

CERTIFICATION OF ROAD TEST

Driver’s Name_____

Social Security Number_____

Operator’s License Number_____

State_____

Type of Power Unit_____

Type of Trailer(s)_____

If passenger carrier, type of bus_____

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

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

Signature of Examiner

Title

Organization and Address of Examiner

Title 49 CFR, Part 392

Driving Commercial Motor Vehicles

Illness or Fatigue	No driver is permitted to operate a motor vehicle when his/her ability and/or alertness is impaired by fatigue, illness, or any other cause that makes it unsafe to begin (or continue) to drive the vehicle. (392.3)
Drugs	<p>No driver may be on duty and possess, be under the influence of, or use (392.4):</p> <ul style="list-style-type: none">• Any schedule I drug or other substance listed in Appendix D.• Any amphetamine or formulation of any amphetamine (including pep pills and bennies)• Narcotics or derivatives• Any other substance that makes driving unsafe
Alcohol	<p>A driver is forbidden to consume or be under the influences of alcohol within four hours of going on duty, while on duty or while driving. A driver is forbidden to possess an alcoholic beverage while on duty, unless it is a manifested part of the shipment. (392.5)</p>
Safe Loading	No one may drive or require anyone to drive a commercial motor vehicle unless the cargo is properly loaded and secured. (392.9)
Railroad Crossing/Stopping	Motor vehicles transporting hazardous materials and most buses transporting passengers are forbidden to cross railroad tracks without first stopping and looking both ways. Additionally, the driver must not shift gears while crossing the tracks.
Seat Belts	A driver must not drive before correctly restraining him/herself and passengers, if the vehicle is equipped with seat belt assemblies. (392.16)
Required Emergency Equipment	<p>Each Power Unit must be equipped with:</p> <ul style="list-style-type: none">• Three Cones, flares or triangle warning devices (392.22)• One fire extinguisher, secured and fully charged. (393.95)

Placement of warning devices	<p>A vehicle stopped upon a highway must activate the vehicle’s hazard warning flashers at once. The driver must leave the flashers on until warning devices are activated. The flashers must again be used while the warning devices are being picked up and before the vehicle moves on.</p> <p>The warning devices must be placed as follows (except where special rules apply) 392.22(b)</p> <ul style="list-style-type: none">• One warning device must be placed on the traffic side of the vehicle, within ten feet, in the direction of approaching traffic.• A second device must be placed facing approaching traffic approximately 100 feet away in the center of the lane or shoulder where the vehicle is stopped.• The third device must be placed about 100 feet away from the stopped vehicle, in the direction away from approaching traffic
Radar detectors shall not be used by a driver in a commercial vehicle:	<p>A driver shall not operate any commercial motor vehicle that is equipped with a radar detector.(392.71)</p> <p>Motor carriers shall not require or permit a driver to violate the radar detector prohibition.</p>
Prohibition against texting:	<p>No driver shall engage in texting while driving.(392.80)</p> <p>No motor carrier shall allow or require its drivers to engage in texting while driving.</p>
Hands free cell phone:	<p>No driver shall use a hand-held mobile telephone while driving a CMV.(392.82)</p> <p>No motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a CMV.</p>

Title 49 CFR, Part 395

Property Carrying Hours-of-Service

Definitions:	<p><u>“On duty”</u> is all time a driver spends performing work, or being ready to work, until being relieved by the carrier of all responsibility. Time also includes any compensated work performed by the driver for a non-motor carrier entity. On duty time does not include time spent resting in or on a parked vehicle; any time spent resting in a sleeper berth; or up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after 8 consecutive hours in sleeper-berth.</p> <p><u>“Off duty”</u> means the driver has been relieved of all responsibilities and is not ready for work.</p> <p><u>“Driving time”</u> is all time spent at the driving controls of a commercial motor vehicle in operation.</p> <p><u>“Time record”</u> is a time card or other record showing the time the driver reports for duty each day, total hours the driver is on duty each day, time the driver is released from duty each day, and total time for preceding days if the driver is used for first time or intermittently.</p> <p><u>“Adverse Driving Conditions”</u> Except as provided in paragraph (h) (3) of section 395, a driver who encounters adverse driving conditions, as defined in §395.2, and cannot, because of those conditions, safely complete the run within the maximum driving time or duty time during which driving is permitted under §395.3(a) or §395.5(a) may drive and be permitted or required to drive a commercial motor vehicle for not more than two additional hours beyond the maximum allowable hours permitted under §395.3(a) or §395.5(a) to complete that run or to reach a place offering safety for the occupants of the commercial motor vehicle and security for the commercial motor vehicle and its cargo.</p>
A motor carrier may not permit or require a driver to drive after:	<ul style="list-style-type: none">• 11 hours driving time following 10 consecutive hours off duty;• the 14th hour of coming on duty following 10 consecutive hours off duty;• being on duty 60 hours in a 7 day period;• being on duty 70 hours in any period of 8 consecutive days if the carrier operates every day of the week. Any 7 or 8-day period may restart after 34 consecutive hours off duty. (395.3)(b)• Interruption of driving time (30 minute break) - Except for drivers who qualify for either of the short-haul exceptions in § 395.1(e)(1) or (2), driving is not permitted if more than 8 hours of driving time have passed without at least a consecutive 30-minute interruption in driving status.

- A consecutive 30-minute interruption of driving status may be satisfied either by off-duty, sleeper berth or on-duty not driving time or by a combination of off-duty, sleeper berth and on-duty not driving time.
- In general, the driving time limit and the 14-hour duty-period limit must be re-calculated from the end of the first of the two periods used to comply with paragraph 395.1(g)(1)(iii) of this section.
- 14-hour period. The 14-hour driving window for purposes of Part 395.3(a)(2) does not include qualifying rest periods under paragraph 395.1(g)(1)(ii).

Time spent by a driver in a compensated non-motor carrier position is considered on-duty time and must be included in the 14 and 60/70 hour rules. (Example: a part time position at a retail store.)

Calculation of the 14-hour limit includes all time except any off-duty time of at least 10 consecutive hours or longer or any sleeper-berth time of at least 8 consecutive hours or longer.

395.1(o):

A driver may extend the 14 hour rule to 16 hours once in every 7/8 day period, provided he has returned to his normal work reporting location and is released from duty at that location for the prior five duty tours and keeps a log for that day.

Meaningful system:

A meaningful system must be in place to track and verify accuracy of driver’s records of duty status/time records. This shall include records with dates, times, locations and vehicle driven. (395.8)(e)

What must be on the log?

A record of duty status must:
Be on specific grid or electronic logging device;
Be current to the last change of duty status;
Have legible entries in driver’s own handwriting;
Show month, day, and year with total miles driven and
Total hours in each duty status for each 24 hours of record;
Show vehicle number, or state and license number of each vehicle operated during that 24-hour period;
Have carrier(s) name, for whom work was performed, and beginning and finishing times for each carrier.

What does the driver need to have with them?

A driver is required to have in possession a record of duty status for the previous 7 consecutive days unless an exception from regulation is granted (395.1(e).

Retention of logs:

Record of duty status, supporting documents and time cards must be maintained and retained by the carrier for a period of six months.

Automatic on-board recording devices:	Automatic on-board recording devices must provide immediate status verification of time and sequence of duty, status changes, current hours of service and previous 7-day status. Electronic devices must follow the rules under Section 395.15. Carriers and drivers who use AOBRDs prior to the compliance date must transition to registered ELDs no later than December 16, 2019 .
Registered Electronic Logging Device (ELD):	<p>Drivers must record their duty status using registered ELDs unless excepted under 395.8(a)(1)(iii) or operating under a FMCSA exemption. List of self-certified ELD manufacturers is available at: https://eld.fmcsa.dot.gov/</p> <p>Carriers must have the knowledge and ability to upload their logs to eRODS; manage accounts; and provide reports to officials as requested.(395.30)</p> <p>Drivers must have knowledge and ability on how to transmit the ELDs to enforcement personnel during roadside inspections. Drivers must have in possession the instructions and at least 8 blank paper logs in case of ELD malfunction. (395.34)</p> <p>Exceptions:</p> <ul style="list-style-type: none">• Drivers who meet the time record exception in 49 CFR 395.1(e) are not required to keep records of duty status (RODS) or use ELDs. Additionally, the following drivers are not required to use ELDs; however, they are still bound by the RODS requirements in 49 CFR 395 and must prepare logs on paper, using an Automatic On-Board Recording Device (AOBRD), or with a logging software program when required:• Drivers who use paper RODS for not more than 8 days out of every 30-day period.• Drivers who conduct drive-away-tow-away operations, where the vehicle being driven is the commodity being delivered.• Drivers of vehicles manufactured before the year 2000.
Personal Conveyance	Personal conveyance is the movement of a Commercial Motor Vehicle (CMV) for personal use while off-duty. A driver may record time operating a CMV for personal conveyance as off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier. The CMV may be used for personal conveyance even if it is laden, since the load is not being transported for the commercial benefit of the motor carrier at that time. Personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely. Motor carriers can establish personal conveyance limitations either within the scope of, or more restrictive than, the guidance provided at: https://www.fmcsa.dot.gov/regulations/hours-service/personal-conveyance

150 air-mile CDL
Short haul
operations:

- Drivers are exempt from keeping log books if all of the following requirements are met(395.1(e)(1):
- Operates within 150 air-mile radius (115.08 miles) of the normal work reporting location;
 - Returns to the same work reporting location and is relieved of duties within 14 hours;
 - Ten consecutive hours off duty separate each 14 hours on duty; and
 - Carrier maintains for a period of six months, true and accurate time records showing; start, end and total hours worked. Total time for preceding seven days if driver is used for the first time or intermittently.
 - Driver must still comply with 395.3.

150 air-mile
provision for
non-CDL
drivers:

- A Non-CDL driver is exempt from the requirements of 395.3(a)(2) and 395.8 and ineligible to use the provisions of 395.1(e)(1), (g), and (o) if:
- Operates within **150** air-mile radius (172.06 miles) of the normal work reporting location;
 - The driver returns to the normal work reporting location at the end of each duty tour; and the driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and
 - Does not drive after the 14th hour after coming on duty 5 days of any period of 7 consecutive days; and
 - Does not drive after the 16th hour after coming on duty on 2 days of any period of 7 consecutive days; and
 - Carrier maintains for a period of six months, true and accurate time records showing; start and ending times, total hours worked, total time for preceding seven days if driver is used for the first time or intermittently.

Rest period
options:

The driver may meet the rest requirements using one of the four options described in the table below:

Option 1	Off Duty Time 395.1(g)(1)(i)(A)(1)	At least 10 consecutive and uninterrupted hours off duty.
Option 2	Continuous Sleeper Berth Provision 395.1(g)(1)(i)(A)(1)	At least 10 consecutive and uninterrupted hours in the sleeper berth
Option 3	Continuous Off Duty and Sleeper Berth Provision 395.1(g)(1)(i)(A)(3)	At least 10 consecutive hours sleeper berth and off duty time combined and uninterrupted.
Option 4	Sleeper Berth Provision 395.1(g)(1)	Consists of seperate rest periods. A period of at least 7 consecutive hours in the sleeper berth and a period of at least 2 consecutive hours off-duty or in the sleeper berth, provided that when the two periods are paired, they total at least 10 hours.

Agricultural Provisions:	<p>The provisions of Part 395 do not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes if such transportation is limited to an area within 150 air-mile radius from the source of the commodities or the distribution point for the farm supplies.</p>
Oil field exemptions:	<ol style="list-style-type: none">1. In the instance of driver of a commercial motor vehicle used exclusively in the transportation of oilfield equipment, including the stringing and picking up of pipe used in pipelines, and servicing of the field operation of the natural gas and oil industry, any period of 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.2. In the case of specially trained drivers of commercial motor vehicles which are specially constructed to service oil wells, on-duty time shall not include waiting time at a natural gas or oil well site; provided that all such time shall be fully and accurately accounted for in records to be maintained by the motor carrier. Such records shall be made available upon request of the Federal Motor Carrier Safety Administration.3. "Waiting time" for certain drivers at oil fields must be shown on logbook or electronic equivalent as off duty and identified by annotations in "remarks" or a separate line added to the grid. <p>Note: Water trucks, vacuum trucks and those vehicles which can be utilized in other areas of transportation are not allowed to use the exception relating to waiting time at the well site. The short-haul time card exemption may not be used if waiting at the well site exemption is used.</p>
Utility service vehicles:	<p>The provisions of Part 395 do not apply to a driver of a utility service vehicle as defined in 395.2:</p> <p>Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone and television cable or community antenna service;</p> <p>While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and</p> <p>Except for an occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.</p>

Time Card - Log Book Combination (Part 395)

Company
Name

City

Driver

Date

Job Name

Total Miles

Fuel

Truck #

Pup #

Lunch

Start Time

End Time

Total Hours

Ticket #	Time Loaded	Weight/Time

DRIVER'S INSPECTION REPORT

OilAntifreezeMileage

Power Unit

☐ Service Brakes including trailer connections

☐ Steering Mechanism Tires

☐ Parking (hand) Brake

☐ Windshield Wipers

☐ Lighting Devices & reflectors

☐ Coupling Devices

☐ Horn

☐ Emergency Equipment

☐ Rear Vision Mirrors

☐ Wheels & Rims

Towed Unit(s)

☐ Services Brakes including connections

☐ Tires

☐ Brakes

☐ Coupling Devices

☐ Lighting Devices & reflectors

☐ Cargo Securement

☐ Wheels & Rims

Reporting Driver:

Maintenance Action:

☐ Repairs Made

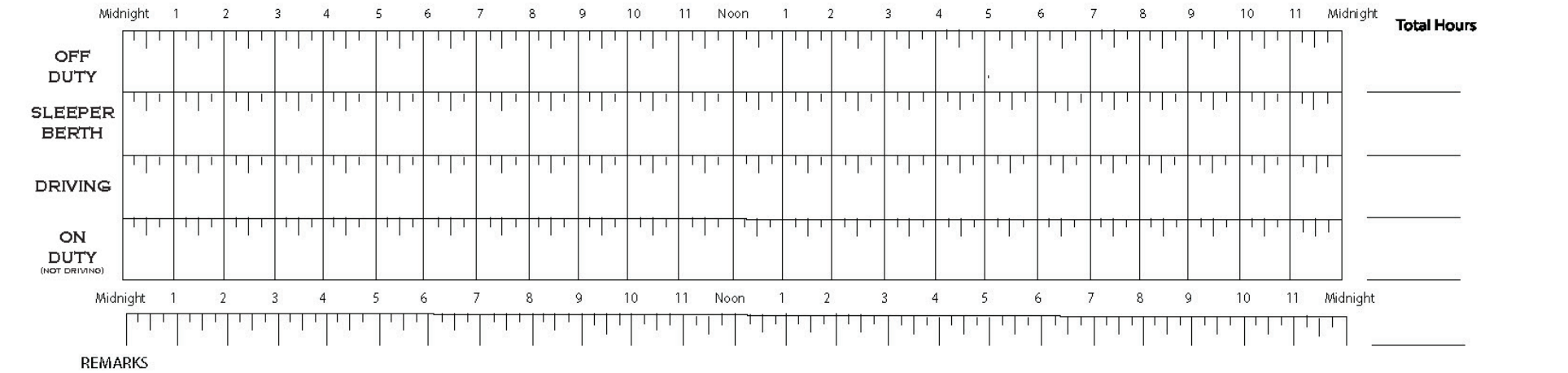
☐ No Repairs Needed

Mechanics Signature:

Date:

Reviewing Driver:

Date:



DRIVER'S DAILY LOG

24 HOURS

____/____/____
Month Day Year

Name of Carrier or Carriers

Main Office Address

Home Terminal Address

Total Miles Driving Today

Truck Tractor and Trailer Numbers

Driver's Full Signature

Co-Driver's Name

I certify these entries are true and correct

Midnight	1	2	3	4	5	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight	Total Hours
OFF DUTY																									
SLEEPER BERTH																									
DRIVING																									
ON DUTY (NOT DRIVING)																									

REMARKS

B/L or Manifest Number

or

Shipper & Commodity

DRIVERS TIME RECORD FOR A PROPERTY CARRYING NON-CDL COMMERCIAL DRIVER

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

- **Driver's may prepare this report instead of the "drivers daily log" if the following applies:**
- The driver operates within a 150 air-mile radius of the normal work reporting location; and
- The driver returns to the normal work reporting location at the end of each duty tour; and
- The driver has at least 10 consecutive hours off duty separating each duty tour; and
- The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and
- The driver does not drive after the 14th hour of coming on duty 5 days of any period of 7 consecutive days; and
- The driver does not drive after the 16th hour of coming on duty 2 days of any period of 7 consecutive days; and
- The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - The time the driver reports for duty each day;
 - The total number of hours the driver is on duty each day;
 - The time the driver is released from duty each day; and
 - The total time for the proceeding 7 days in accordance with Part 395.8(j)(2) for drivers used for the first time or intermittently.

[illegible]

DRIVER STATEMENT OF ON-DUTY HOURS

INSTRUCTIONS: Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and time at which the driver was last relieved from duty prior to beginning work for the motor carrier as per Part 395.8(j)(2) Federal Motor Carrier Safety Regulations (FMCSR). NOTE: Hours for any compensated work during the preceding 7 days, including work for a non-motor carrier entity, must be recorded on this form.

Driver Name (Print): _____
Driver’s License Number: _____ Class: _____
Endorsement(s): _____ Restriction(s): _____
Type of License: _____ Issuing State: _____

DAY	1 (YESTERDAY)	2	3	4	5	6	7	
DATE								
HOURS WORKED								TOTAL HOURS

I hereby certify that the information given above is correct to the best of my knowledge and belief and that I was last relieved from work at:

_____ On _____
Time Day Month Year

Driver’s Signature Date

INSTRUCTIONS: When employed by a motor carrier, a driver must report to the carrier all on duty time including time working for other employers. The definition of on duty time found in Section 395.2(8)(9) of the FMCSR’s includes time performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier, also performing any compensated work for any non-motor carrier entity.

Are you currently working for another employer? ☐ Yes ☐ No
At this time do you intend to work for another employer while still employed by this company? ☐ Yes ☐ No

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

Drivers Signature Date

Title 49 CFR, Part 395

Passenger Carrying Hours-of-Service

Definitions	<p>“On duty time” is all time a driver spends performing work, or being ready to work, until being relieved by the carrier of all responsibility. “On duty” time also includes any compensated work performed by the driver for a non-motor carrier entity.</p> <p>“Driving time” is all time spent at the driving controls of a commercial motor vehicle in operation.</p> <p>“Off duty” means the driver has been relieved of all responsibilities and is not ready for work.</p> <p>“Record of duty status” is the tracking of work hours by means of a graph, grid, or an automatic on-board recording device.</p> <p>“Time record” is a time card or other record showing the time the driver reports for duty each day, total hours the driver is on duty each day, time the driver is released from duty each day, and total time for preceding days if the driver is used for first time or intermittently.</p>
A motor carrier may not permit or require a driver to drive and no driver shall drive after:	<p>10 hours driving time following 8 consecutive hours off-duty; being on duty 15 hours following 8 consecutive tours off duty; being on duty 60 hours in a 7 day period; being on duty 70 hours in any period of 8 consecutive days if the carrier operates every day of the week.</p> <p>Time spent by a driver in a compensated non-motor carrier position is considered on duty time and must be included in the 15 hour and 60/70 hour rules. (Example: a part time position is a retail store.)</p>
Personal conveyance	<p>Personal conveyance is the movement of a Commercial Motor Vehicle (CMV) for personal use while off-duty. A driver may record time operating a CMV for personal conveyance as off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier. The CMV may be used for personal conveyance even if it is laden, since the load is not being transported for the commercial benefit of the motor carrier at that time. Personal conveyance does not reduce a driver’s or motor carrier’s responsibility to operate a CMV safely. Motor carriers can establish personal conveyance limitations either within the scope of, or more restrictive than, the guidance. http://www.fmcsa.dot.gov/regulations/hours-service/personal-conveyance</p>

What record keeping is required?	Motor carriers shall require every driver to record duty status in duplicate for each 24-hour period.
What must be on the log?	<p>A record of duty status must:</p> <ul style="list-style-type: none">• Be on specific grid or automatic on-board recorder;• Be current to the last change of duty status;• Have legible entries in driver’s own handwriting;• Show month, day, and year with total miles driven and• Total hours in each duty status for each 24 hours of record;• Show vehicle number, or state and license number of each vehicle operated during that 24-hour period;• Have carrier(s) name, for whom work was performed, and beginning and finishing times for each carrier.
What does a driver need to have with them?	A driver is required to have in possession a record of duty status for the previous 7 consecutive days unless an exception from regulation is granted.
How long must records of duty status be kept?	Record of duty status, supporting documents and time cards must be maintained and retained by the carrier for a period of six months.
Automatic on-board recording devices	Automatic on-board recording devices must provide immediate status verification of time and sequence of duty, status changes, current hours of service and previous 7-day status. Electronic devices must follow the rules under Part 395.15.
100 air-mile radius exemption	<p>Drivers are exempt from keeping log books if all of the following requirements are met:</p> <ul style="list-style-type: none">• Operates within 100 air mile radius (115.08 miles) of the normal work reporting location.• Returns to the work reporting locations and is relieved of duties within 12 hours.• Does not exceed 10 hours driving.• Eight consecutive hours off duty separate each 12 hours on duty, and• Carrier maintains for a period of 6 months, true and accurate time records showing; start and ending times, total hours worked, total time for preceding seven days if driver is used for the first time or intermittently.

Title 49 CFR, Part 396

Vehicle Maintenance Standards

Vehicle inspections, repair and maintenance are critical to the safe operation of commercial motor vehicles. They are designed to reduce accidents, injuries and fatalities resulting from unsafe vehicles operating on the highways. Maintenance standards cover systematic maintenance, pre-trip/post-trip inspection reports and annual inspections.

General standards	<p>393 (Parts and Accessories) and 396 (Inspection, Repair and Maintenance)</p> <ul style="list-style-type: none">• A carrier is responsible for ensuring that it properly inspects repairs and maintains vehicles under its control.• A motor vehicle may not be operated when its mechanical condition is likely to cause an accident or breakdown.• Parts and accessories must be in safe operating condition at all times.• Push out windows, emergency doors and emergency door markings. Lights in buses must be inspected at least every 90 days.
Required records	<p>For each vehicle a carrier controls for 30 consecutive days or more, the carrier must ensure the proper vehicle maintenance records are maintained. Each vehicle record must contain (396.3(b)):</p> <ul style="list-style-type: none">• Vehicle identification including company number, make, serial number, year and tire size.• If the vehicle is leased, the person furnishing the vehicle must be identified.• A means to indicate the nature and due date of various inspection and maintenance operations to be performed. (example: may be maintained according to the vehicle manufacturer's recommended schedule. The schedule and intervals is to be determined by the motor carrier.)• A record or log of inspections, repair and maintenance indicating their date and nature.• A record of tests conducted on push out windows, emergency doors, and emergency door marking lights on buses.
Where must records be maintained?	<p>Vehicle maintenance records must be retained where the vehicle is maintained for a period of one year and for six months after the vehicle leaves the carrier's control. (396.3(c)).</p>

Roadside inspection reports

Any driver who receives a roadside inspection report must deliver a copy of report to the motor carrier. An official of the motor carrier is to examine the roadside inspection report and ensure that the violations or defects noted on the report are corrected before the vehicle is re-dispatched. Within **15 days** after the inspection, the carrier must sign the completed roadside inspection report to certify that all violations have been corrected and then return it to the indicated address. **A copy must be retained for 12 months from the date of inspection.** (396.9)

Driver vehicle inspection report

The motor carrier shall require a driver to conduct a pre and post trip vehicle inspection each day the vehicle is operated. The following are the minimum items to be checked: **(396.11)** (See page #44 for example)

- | | |
|--|---------------------|
| Parking (hand) brake | Steering mechanism |
| Lighting devices and reflectors | Horn |
| Tires | Windshield wipers |
| Rear vision mirrors | Coupling devices |
| Wheels and rims | Emergency equipment |
| Service brakes including trailer brake connections | |

When defects are noted on the driver vehicle inspection report

In the instance of drivers discovering defects the driver shall sign the report, the motor carrier shall repair any defect or deficiency listed on the driver vehicle inspection report, which would likely affect the safety of operation of the vehicle. Every motor carrier or its agent shall certify on the original driver vehicle inspection report any listed defect that has been repaired or that repair is unnecessary before the vehicle is operated again. **These reports shall be maintained for a period of three months.** (396.11(a)(4)).

Before driving a motor vehicle the driver shall be satisfied that the vehicle is in safe operating condition, review the last driver vehicle inspection report; and sign the report to acknowledge that the driver has reviewed it and that there is a certification that the required repairs have been performed. (396.13)

Periodic inspection

Every commercial vehicle shall have a periodic inspection that must be performed at least once every 12 months. At a minimum, inspections must include all items enumerated in the Minimum Periodic Inspection Standards, Appendix G, Subchapter B, Part 396. Carriers may perform required annual inspections themselves, with a qualified inspector. The original or copy of the periodic inspection report must be retained by the motor carrier for **14 months** from the report date. (396.21(b)(1))

Utah based carriers must meet the mandatory State Inspection standards. (396.23(a)(1))

Documentation of the most recent periodic inspection must be kept on the vehicle (**report, sticker or decal**). (396.17(c))

Inspector qualifications	<p>A motor carrier must ensure that the individual(s) performing an annual inspection is qualified. The inspector must:</p> <ul style="list-style-type: none">• Understand the inspection standards of Part 393 and Appendix G.• Be able to identify defective components.• Have knowledge and proficiency in methods, procedures and tools.• Inspectors for Utah based carriers must meet the mandatory State Inspection Standards.
What experience or training qualifies an inspector?	<p>Inspectors may have gained experience or training by:</p> <ul style="list-style-type: none">• Completing a State/Federal training program, or earning a State or Canadian Province qualifying certificate in commercial motor vehicle safety inspections.• A combination of other training or experience totaling at least a year.
Evidence of qualification	<p>Evidence of the inspector’s qualification must be maintained until one year after the inspector ceases to perform inspections for the carrier. (396.19(b))</p>
Brake inspectors	<p>The motor carrier is responsible for ensuring that all inspections, maintenance, repairs and service to brakes of commercial motor vehicles comply with these regulations. Employees responsible for brake inspections, maintenance, service or repairs must meet minimum brake inspector qualifications.</p>

DRIVER'S INSPECTION REPORT

COMPLETION OF THIS REPORT REQUIRED BY FEDERAL LAW, 49 CFR 396.11 & 396.13

_____	_____	_____
Truck or Tractor Number	Mileage (No Tenths)	Trailer Number
_____	_____	_____
Dolly Number	Trailer Number	Location

CHECK DEFECTS ONLY. Explain under REMARKS.

POWER UNIT		
<div>GENERAL CONDITION</div> <div><input type="checkbox"/> Cab/Doors/Windows</div> <div><input type="checkbox"/> Body/Doors</div> <div><input type="checkbox"/> Oil Leak _____</div> <div><input type="checkbox"/> Grease Leak _____</div> <div><input type="checkbox"/> Coolant Leak</div> <div><input type="checkbox"/> Fuel Leak</div> <div><input type="checkbox"/> Other _____</div> <div>_____</div> <div>(IDENTIFY)</div>	<div>IN-CAB</div> <div><input type="checkbox"/> Gauges/Warning Indicators</div> <div><input type="checkbox"/> Windshield Wipers/Washers</div> <div><input type="checkbox"/> Horns</div> <div><input type="checkbox"/> Heater/Defroster</div> <div><input type="checkbox"/> Mirrors</div> <div><input type="checkbox"/> Steering</div> <div><input type="checkbox"/> Clutch</div> <div><input type="checkbox"/> Service Brakes</div> <div><input type="checkbox"/> Parking Brake</div> <div><input type="checkbox"/> Emergency Brakes</div> <div><input type="checkbox"/> Triangles</div> <div><input type="checkbox"/> Fire Extinguisher</div> <div><input type="checkbox"/> Other Safety Equipment</div> <div><input type="checkbox"/> Spare Fuses</div> <div><input type="checkbox"/> Seat Belts</div> <div><input type="checkbox"/> Other _____</div> <div>_____</div> <div>(IDENTIFY)</div>	<div>EXTERIOR</div> <div><input type="checkbox"/> Lights</div> <div><input type="checkbox"/> Reflectors</div> <div><input type="checkbox"/> Suspension</div> <div><input type="checkbox"/> Tires</div> <div><input type="checkbox"/> Wheels/Rims/Lugs</div> <div><input type="checkbox"/> Battery</div> <div><input type="checkbox"/> Exhaust</div> <div><input type="checkbox"/> Brakes</div> <div><input type="checkbox"/> Air Lines</div> <div><input type="checkbox"/> Light Line</div> <div><input type="checkbox"/> Fifth Wheel</div> <div><input type="checkbox"/> Other Coupling</div> <div><input type="checkbox"/> Tie-Downs</div> <div><input type="checkbox"/> Rear-End Protection</div> <div><input type="checkbox"/> Other _____</div> <div>_____</div> <div>(IDENTIFY)</div>
		<div><input type="checkbox"/> NO DEFECTS</div>
TOWED UNIT(S)		
<div><input type="checkbox"/> Body/Doors</div> <div><input type="checkbox"/> Tie-Downs</div> <div><input type="checkbox"/> Lights</div> <div><input type="checkbox"/> Reflectors</div>	<div><input type="checkbox"/> Suspension</div> <div><input type="checkbox"/> Tires</div> <div><input type="checkbox"/> Wheels/Rims/Lugs</div> <div><input type="checkbox"/> Brakes</div>	<div><input type="checkbox"/> Landing Gear</div> <div><input type="checkbox"/> King Pin/Upper Plate</div> <div><input type="checkbox"/> Fifth-Wheel (Dolly)</div> <div><input type="checkbox"/> Other Coupling Devices</div>
		<div><div><input type="checkbox"/> Rear End Protection</div><div><input type="checkbox"/> Other _____</div><div>_____</div><div>(IDENTIFY)</div></div> <div><input type="checkbox"/> NO DEFECTS</div>
<div>REMARKS: _____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div>		
<div>REPORTING DRIVER: _____</div> <div>Date _____</div> <div>Name _____</div> <div>Employee Number _____</div>		<div>MAINTENANCE ACTION: _____</div> <div>Date _____</div> <div>Repairs Made <input type="checkbox"/> No Repairs Needed <input type="checkbox"/></div> <div>R.O. #'S: _____</div> <div>Certified By: _____</div> <div>Location: _____</div>
<div>REVIEWING DRIVER: _____</div> <div>Date _____</div> <div>Name _____</div> <div>Employee Number _____</div>		
<div>SHOP REMARKS: _____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div>		

BRAKE CERTIFICATION - 49 CFR, Part 396.25

A “brake inspector” is 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 qualify 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):

☐ Participation in a brake maintenance or inspection training program sponsored by a brake or vehicle manufacturer or similar commercial training program. Where and Date:

☐ _____ (years) experience performing brake maintenance or inspection in a motor carrier maintenance program. Name and Date: _____

☐ _____ (years) experience performing brake maintenance or inspection at a commercial garage, fleet leasing company, or similar facility. Name of Facility and Dates: _____

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

Employee _____

Signature of Mechanic/Inspector

Date _____

Motor Carrier/Company

Signature of Employer/Supervisor

Date

Evidence of Inspector's Qualifications on file at: _____

Title 49 CFR, Part 382

Controlled Substance and Alcohol Testing

The purpose of controlled substance and alcohol testing is to reduce highway accidents that result from driver use of these substances. Employers are required to have a program and procedures in place to insure that all drivers who are **required** to possess a commercial driver’s license (**CDL**), and who operate a commercial vehicle, are tested for drug and alcohol use.

A Commercial Motor Vehicle (CMV)	<p>A commercial motor vehicle (382.107)</p> <ul style="list-style-type: none">• Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating or more than 10,000 pounds; or• Has a gross vehicle rating of 26,001 pounds; or• Is designed to transport 16 or more passengers, including the driver; or• Is of any size and is used in transportation of hazardous materials which requires a placard on the vehicle.
Alcohol Use and Controlled Substance Policy	<p>A company policy regarding controlled substance and alcohol must be established according to (382.601). A copy of the policy must be given to all CDL Drivers.</p>
Alcohol Prohibitions	<p>The alcohol rule prohibits any alcohol use that could affect performance of a safety-sensitive function, including:</p> <ul style="list-style-type: none">• Reporting for duty or remaining on duty to perform safety-sensitive functions with alcohol concentration of 0.04 BAC or greater; (382.201)• Use while performing safety-sensitive functions; (382.205)• Use during the 4 hours before performing safety-sensitive functions; (382.207)• Possession of alcoholic substances, unless transported and manifested as part of a shipment; (382.213)• Use during 8 hours following an accident, or until driver undergoes a post-accident test, whichever occurs first; (382.209)• Refusal to take a required test. (382.211)
Required Testing	<p>Drivers required to have a commercial driver’s license (CDL) are subject to:</p> <ul style="list-style-type: none">• Pre-employment drug testing (a verified negative test result) (382.301)• Post-accident drug and alcohol testing, drivers must be tested for alcohol within 2 hours, but not more than 8 hours, of the accident and within 32 hours for controlled substances. (If testing is not completed

within the allotted time frame a written record stating the reason the test was not promptly administered shall be maintained on file). (382.303)

Post Accident Testing Chart		
Type of Accident Involved	Citation issued to CMV Driver?	Test Must Be performed by Employer?
Human Fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

- Random testing; must include more than one driver, use a scientifically valid method and ensure each driver has an equal chance of being tested each time. (50% of all driver positions must be tested for controlled substances and 10% of all driver positions must be alcohol tested in a calendar year)*. (382.305)
- Reasonable suspicion testing (All Supervisors must be trained per 382.603)
- Return to duty (a verified **negative** test result must be received before performing a safety sensitive function)(382.309)
- Follow-up (**SAP** to determine a substance abuse plan to include at a minimum 6 unannounced follow-up tests in the **first 12 months**. Requirements for referral, evaluation, and treatment must be performed in accordance with 49 CFR Part 40 Subpart O.) (382.311)

*Subject to change

Controlled Substance Testing

Employers are required to do a **five-panel** test for the following controlled substances: (382.107 and 40.85)

- Marijuana
- Cocaine
- Opiates– Opium, Codeine, and Methadone derivatives
- Amphetamines and Methamphetamines
- Phencyclidine (PCP)

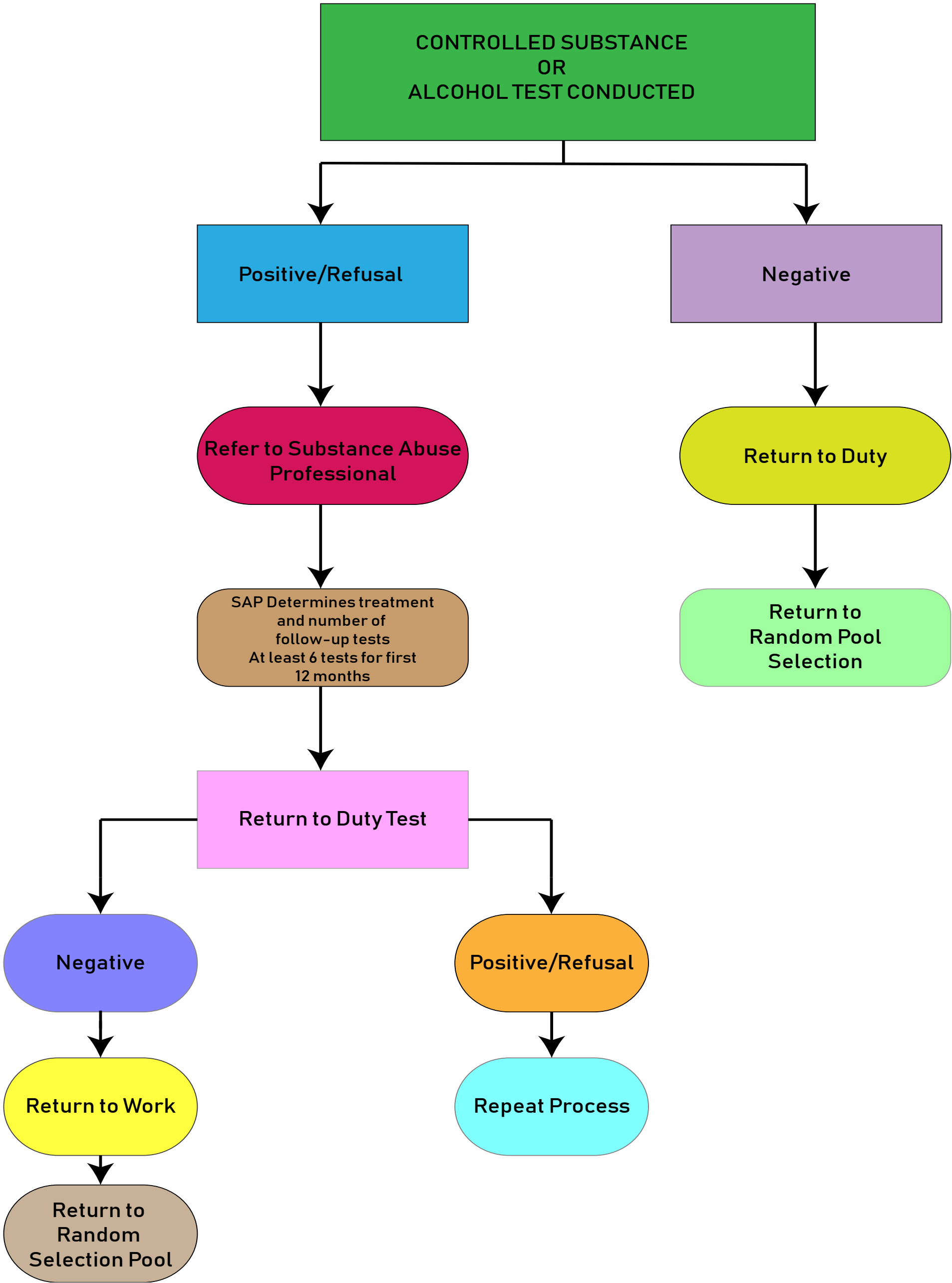
Drug Prohibitions

A driver may not report for duty (or remain on duty) to perform safety-sensitive functions if:

- The driver uses any of the above-mentioned drugs unless prescribed by a doctor who has told the driver that the use will not adversely affect the driver’s ability to operate a CMV safely. (382.213)
- The driver tests positive for controlled substance use; (382.215)or
- The driver refuses to take a required test.(382.211)

Consequences	<p>A driver who violates any of the above provisions must:</p> <ul style="list-style-type: none">• Not perform, nor be permitted to perform, a safety-sensitive function• Be referred to a substance abuse professional (SAP) for evaluation to determine what assistance is needed.• Undergo a return-to-duty test for alcohol or drugs resulting in a verified negative result.• Be subject to unannounced follow-up testing after returning to work.
Access to Records	<p>An employer <u>must obtain</u>, pursuant to a driver’s written consent, the driver’s alcohol and drug compliance records from previous employers for the prior 3 years. A previous employer, pursuant to a driver’s written consent, <u>must release</u> a driver’s alcohol and drug compliance records to a prospective employer. Carriers <u>must make</u> all records related to the administration of their testing programs and individual test results to any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.</p>

Part 382
Flow Chart



CANNOT USE DRIVER UNTIL A NEGATIVE TEST HAS BEEN RECEIVED

Title 49 CFR, Part 383

CDL Standards-Requirements and Penalties

The licensing provisions in Part 383 are intended to help reduce accidents by setting standards that; require commercial drivers to be properly qualified and to hold a single valid driver’s license (CDL); and disqualify drivers who do not operate commercial motor vehicles (CMV) safely.

Commercial
Driver’s License
Information
System (CDLIS)

CDLIS enables the State to exchange information about the driving records and driver’s licenses of CMV drivers. This helps assure that only one license is issued to a driver and that drivers currently disqualified are prevented from obtaining a CDL. Employers have access to the CDLIS clearinghouse through their State’s vehicle licensing agency.

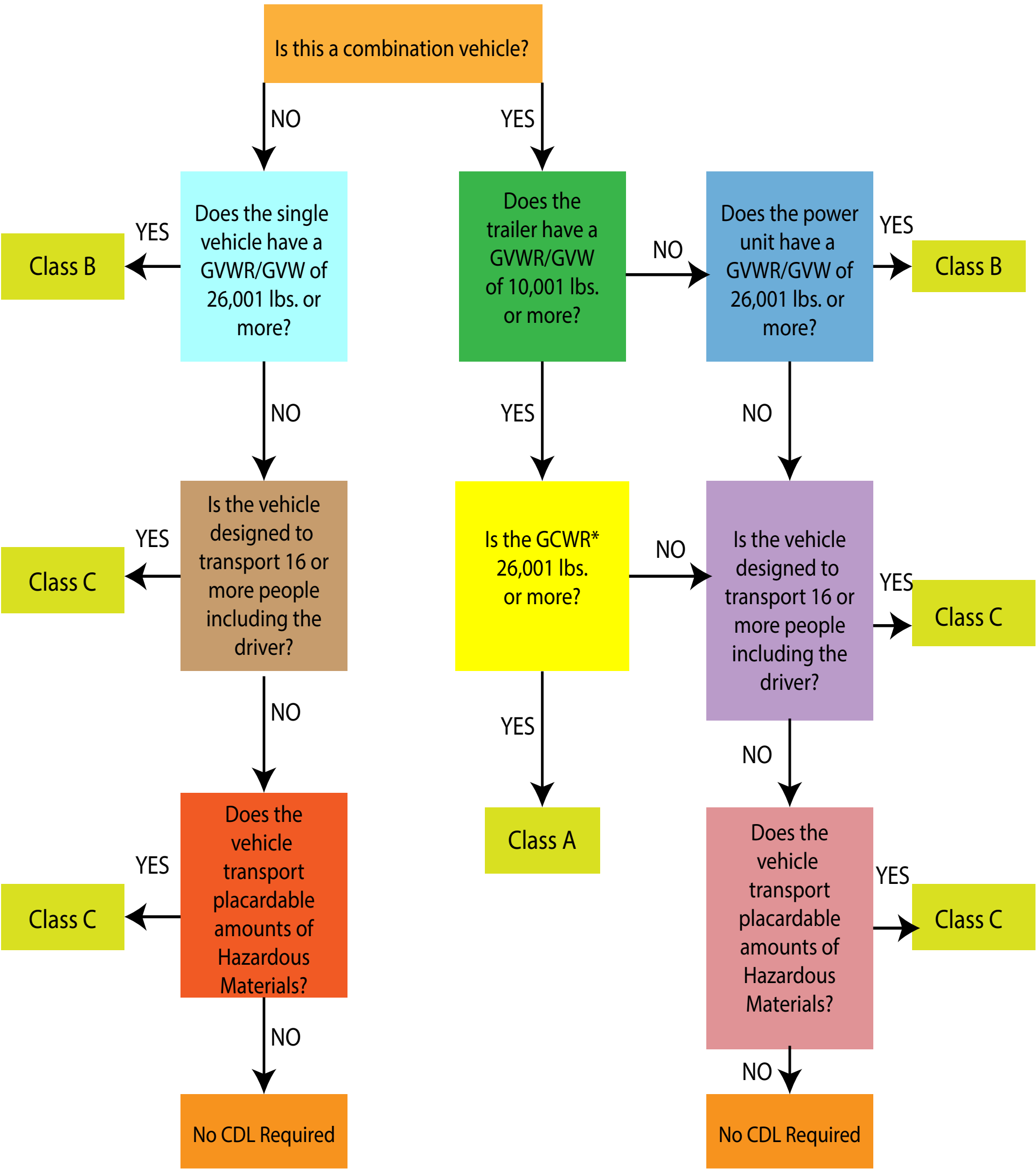
DO YOU NEED A CDL?

There are three types of commercial driver’s licenses: **Class A, B, And C**. Drivers of light vehicles – passenger cars and pick up trucks – will be issued an operator’s license.

- **Class A** - Combination of vehicles with a gross combined weight rating (GCWR) over 26,000 pounds, provided the GVWR of the vehicles(s) being towed is greater than 10,000 pounds. A driver with a Class A license will be able to drive Class A, B, and C commercial vehicles with proper endorsements when required.
- **Class B** – Single vehicles with a GVWR over 26,000 pounds, or any such vehicle towing a vehicle under 10,000 GVWR. A driver with a Class B license will be able to drive Class B and C Commercial vehicles with proper endorsement when required.
- **Class C** – Vehicles with a GVWR less than 26,001 pounds. Class C is strictly for vehicles designed to carry 16 or more people or carry hazardous material in quantities large enough to require a placard. A class C license holder will be able to drive Class C commercial vehicles only.

Check the following chart to see what kind of commercial driver’s license you will need:

Do I need a Commercial Driver's License (CDL)?



*Gross Combination Weight Rating (GCWR) is the greater of:

- (1) A value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration, or
- (2) The sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value.

Exception: The GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

Endorsements

In addition to general knowledge and skills tests, drivers who operate specialized commercial motor vehicles must pass additional tests and obtain endorsements on the CDL, as follows:

- T-Double/triple trailers (knowledge test only)
- P-Passenger (knowledge and skills test)
- N-Tank vehicle (knowledge test only)
- H-Hazardous materials (knowledge test only)
- X-Combination of tank vehicle and hazardous materials (knowledge tests)

Restrictions

- A-No restrictions
- B-Driver must wear corrective lenses
- E-Vehicle must be equipped with an automatic transmission
- J-Which restricts the driver for any other CDL restriction deemed necessary by the division
- K-Which restricts the driver to driving intrastate only any commercial motor vehicle
- L-Which restricts the driver to driving a commercial motor vehicle not equipped with air brakes
- M-Driver may not transport passengers using a Class A bus
- N-Driver may not transport passengers using a Class A or B bus
- O-No tractor-trailer CMV
- V-Variance

Title 49 CFR

Hazardous Materials Regulations

Applicability	<p>The hazardous materials regulations are applicable to the transportation of hazardous materials in interstate and/or intrastate commerce, and their offering to carriers by motor vehicle, rail car, aircraft and vessel.</p>
HM Registration (PHMSA)	<p>Persons who offer for transportation, or transport in foreign, interstate or intrastate commerce: (107.601)</p> <ul style="list-style-type: none">(a) Any highway route controlled quantity of a Class 7 (radioactive) material.(b) More than 55 lbs of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car or freight container.(c) More than 1 L (1.06 quarts) per package of a material extremely poisonous by inhalation.(d) A hazardous material in a bulk packaging having a capacity of 3,500 gallons for liquids or gases, or more than 468 cubic feet for solids.(e) A shipment in other than bulk packaging of 5,000 lbs. gross weight or more of one class of hazardous material for which the transport vehicles requires placarding.(f) Any quantity of materials requiring placarding. <p>Link to register for PHMSA below: https://www.phmsa.dot.gov/</p>
Hazardous Materials Safety Permits	<p>A HMSP is required to transport any of the following materials. (385.403)</p> <ul style="list-style-type: none">• A highway route-controlled quantity of a Class 7 (radioactive material);More than 55 lbs. of a Division 1.1, 1.2 or 1.3 (explosive) material or any amount of a Division 1.5 (explosive) material requiring placarding under 49 CFR 172;• More than one liter per package of a “material poisonous by inhalation,” that meets the criteria for “hazard zone A”;• A “material poisonous by inhalation,” that meets the criteria for “hazard zone B,” in a bulk packaging (greater than 119 gallons);• A “material poisonous by inhalation,” that meets the criteria for “hazard zone C,” or “hazard zone D,” in a packaging having a capacity equal to or greater than 3,500 gallons.• A shipment of compressed or refrigerated liquefied methane or liquefied natural gas, or other liquefied gas with a methane content of at least 85 percent, in a bulk packaging having a capacity equal to or greater than 3,500 gallons.

Hazardous
Materials
Carrier
Responsibilities

- Carrier Responsibilities
- Shipping Paper (172.202)
 - Placarding (172.500)
 - Marking of Vehicles (172.300)
 - Labeling (172.400)
 - Loading and unloading (177.834)
 - Compatibility (177.848)
 - Blocking and Bracing (177.834(a))
 - Incident Reporting (171.15)
 - Security Plan (172.800)
 - Employee training (172.704)

HM Classes

- Class 1 = Explosives
Class 2 = Gases
Class 3 = Flammable Liquid
Class 4 = Flammable Solids
Class 5 = Oxidizing Substances; Organic Peroxides
Class 6 = Poisonous (Toxic) and Infectious Substances
Class 7 = Radioactive Material
Class 8 = Corrosives
Class 9 = Misc. Dangerous Goods

Definitions

Bulk packaging means a packaging other than a vessel or barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment and which has:

- A maximum capacity greater than **119 gallons** as a receptacle for a liquid:
- A maximum net mass greater that **882 pounds** and a maximum capacity greater than **119 gallons** as a receptacle for a solid:
- A water capacity greater than **1000 pounds** as a receptacle for a gas as defined in 173.115.

Materials of Trade (M.O.T.) transportation (see **49 CFR 171.8**) by highway may be excepted from many of the requirements of the HM regulations when transported in accordance with the procedures contained in 49 CFR 173.6.

- The M.O.T. regulations **DO NOT require:**
- shipping papers;
 - emergency response information;
 - placarding; or
 - formal training or retention of training records.

- The M.O.T regulations **require:**
- Insurance requirements:**
- **MCS-90**
 - **\$1,000,000 Insurance Coverage**

https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/MOTS%20brochure%202007_10_02.pdf

ORM-D materials are materials such as a consumer commodity, which although is subject to the regulations presents a limited hazard during transportation due to its form, quantity, and packaging. Each ORM-D material and category of ORM-D material is listed in the 49 CFR 172.101 Table and 173.144.

Shipping Papers and Retention

A person may not accept a hazardous material for transportation or transport a hazardous material by highway unless that person has received a shipping paper prepared in accordance with Part 172.

Shippers must retain a copy of the shipping paper for three years for hazardous waste and two years for all other hazardous materials, after the material is accepted by the initial carrier.

Carriers must retain a copy of the shipping paper for **one year** after the material is accepted by the carrier. (172.202)

Marking

The basic marking requirement consists of the proper shipping name and identification number of the hazardous materials contained in the package. Markings must be durable, in English and not obscured by other markings or labels. (172.300)

Labeling

General labeling requirements are contained in 49 CFR Subpart E Part 172. Each person who offers for transportation or transports a hazardous material shall ensure the package is properly labeled. There are a number of exceptions to the labeling requirements contained in (172.400).

Placarding

General placarding requirements are contained in 172.504. Each **bulk** packaging, freight container, unit load device, transport vehicle or rail car containing any quantity of hazardous materials must be placarded on each side and each end with the placards specified in Tables 1 and 2 (172.500)

Table 1 (Placard for any amount)

Hazard class or division	Placard name
1.1	Explosives 1.1
1.2	Explosives 1.2
1.3	Explosives 1.3
2.3	Poison Gas
4.3	Dangerous When Wet
5.2 (Organic peroxide, Type B, liquid or solid, temperature controlled)	Organic Peroxide
6.1 (Materials Poisonous by Inhalation)	Poison Inhalation Hazard
7 (Radioactive Yellow III label only)	Radioactive

Table 2 (Placard 1,001 lbs or more)

Hazard class or division	Placard name
1.4	Explosives 1.4
1.5	Explosives 1.5
1.6	Explosives 1.6
2.1	Flammable Gas
2.2	Non-Flammable Gas
3	Flammable Liquid
Combustible Liquid	Combustible
4.1	Flammable Solid
4.2	Spontaneously Combustible
5.1	Oxidizer
5.2 (Other than organic peroxide, Type B, liquid or solid, temperature controlled)	Organic Peroxide
6.1 (Other than inhalation hazard, Zone A or B)	Poison
6.2	Not Required
8	Corrosive
9	Class 9 (172.504 (f)(9))
ORM-D	Not Required

Exception:

Exception for less than 454 kg (1,001 pounds). Except for bulk packagings and hazardous materials subject to § 172.505, when hazardous materials covered by table 2 of this section are transported by highway or rail, placards are not required on -

- A transport vehicle or freight container which contains less than 454 kg (1001 pounds) aggregate gross weight of hazardous materials covered by table 2 above. (172.504(c)(1))

**Hazardous
Materials Training**

General awareness training is intended to raise the hazmat employees’ awareness of the HMR and the purpose and meaning of the hazard communication requirements. All hazmat employees must have this training

Function-specific training is intended to teach the necessary knowledge, skills and abilities for an individual’s job function.

Safety training provides information concerning the hazards posed by materials in the workplace and personal protection measures.

Security Awareness Training provides an awareness of security risks associated with hazardous materials transportation and methods to designed to enhance transportation security. It must also include a component covering how to recognize and respond to possible security threats.

In-depth Security Awareness is required when carrier is required to have a security plan as outlined in 172.800. Training must include company security objectives, organizational security structure, specific security procedures, specific security duties and responsibilities and specific actions to be taken in the event of a security breach.

It is the hazmat employer’s responsibility to determine the adequacy of the training being presented. Training may be in any appropriate format including lecture, conference, self paced instruction, interactive video, etc. All new hazmat employees must be trained within 90 days of employment and must be supervised until properly trained. Recurrent training must take place every three years.

A record of current training, inclusive of the preceding three years, in accordance with this subpart, shall be created and retained by each hazmat employer for as long as that hazmat employee is employed and for 90 days after the employee leaves. (172.704)

<https://www.phmsa.dot.gov/training/hazmat/training-modules>

Security Plan

Each hazmat employer subject to the security plan requirements is required to establish and implement a security plan. The purpose of this requirement is to enhance the security of hazardous materials transported in commerce. Employers must also train each employee on the security plan and its implementation.

Your Security Plan should be a complete document and should include:

- information on your security assessment.
- how you address any vulnerabilities identified in the assessment.
- what security measures you have adopted.
- how, when, and by whom they will be implemented.
- your organizational structure.
- the responsibilities of the various employee positions. In essence, your security plan is the detailed map of how you address the security assessment. Each motor carrier should evaluate the threats it faces and its vulnerabilities based on its unique operations and facilities and should recognize that a cookie-cutter approach is not appropriate. The measures adopted by your company to address your vulnerabilities do not need to be complex or expensive to be effective, but the justification and rationale to support them needs to be sound and documented. The key to developing adequate security measures is to think “prevention.” Understand that the threat is very real and try to think like a terrorist when assessing your security weaknesses. (172.800)

More information on security plans can be obtained at:

<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/Enhanced%20Security%20Brochure.pdf>

SUBSTANCE ABUSE and ALCOHOL TESTING

A very basic list of consortiums has been provided. (For a complete list of available services in your area, look under “Drug Detection & Testing” in the local yellow pages.) These companies provide various services related to drug and alcohol testing. The office of Motor Carriers does not endorse any individual program. It is the responsibility of the employers to ensure that their program is administered in compliance with the regulations.

CONSORTIUM CONTACTS

(Partial list only, for more information search “DOT Drug Compliance Consortium” in any web browser)

ACCUSCAN DRUG TESTING

Riverton 801-446-9000

BLUELINE SERVICES

Salt Lake 801-575-8378

DAT EXPRESS TEST CENTERS

Salt Lake 801-294-9474

St. George 435-656-1122

GLOBAL DRUG TESTING SERVICES

Salt Lake 801-363-4503

IDT INTERMOUNTAIN DRUG TESTING

Salt Lake 801-328-4027

IHC WORKMED CLINICS

Murray 801-288-4900

Salt Lake 801-972-8850

INTERMOUNTAIN MRO

Midvale 801-486-5400

OCCUPATIONAL HEALTH CARE

South Jordan 801-561-2777

Salt Lake 801-886-0449

Orem 801-226-0451

St. George 435-652-1285

PERS

Ogden 800-728-2482

PROGRESSIVE REPORTING

Midvale 801-566-3227

ROCKY MTN. CARE CLINIC

Salt Lake 801-975-7799

TOOELE VALLEY URGENT CARE

Tooele 435-882-3547

TRANSMETRON

Salt Lake 801-596-2709

WORKFORCE QA

Salt Lake 888-249-4575

Unified Carrier Registration

The Unified Carrier Registration (UCR) Act of 2005 was passed by Congress as part of the SAFTEA-LU bill. It requires all Motor Carriers, Private Motor Carriers, Leasing Companies, Freight Forwarders, and Brokers that have registered with Federal Motor Carrier Safety Administration (FMCSA) and indicated they are going to operate in “**Interstate Commerce**” are required to register with the UCR and pay the appropriate fee.

UCR is an annual registration fee that runs from January 1 thru December 31st. The UCR fee is based upon the number of vehicles, (power unit only), that are rated for 10,001 lbs or more, 9 or more passengers, or transport hazardous materials in an amount requiring placards and are operated in interstate commerce as defined in CFR 390.5.

The fees may be paid online at <https://www.ucr.gov/>. You will need your USDOT number and four digit TAX ID number.

For more UCR information: <https://plan.ucr.gov/>

Payment of UCR fees are mandatory for interstate carriers. If UCR fees are not paid, Overize and Overweight permits may not be purchased, and when clearing a Port of Entry, a carrier may be stopped until UCR fees are paid.

Why am I getting all these unwanted calls and solicitations since I registered my company with FMCSA?

FMCSA is aware that motor carrier officials and new entrant applicants often receive confusing or misleading solicitations from service providers or third party administrators by telephone, e-mail, text and US Mail. These businesses are able to get your company's information because when you submit an application or update your information with FMCSA, your basic carrier information is publically available. However, the services offered by these companies are neither authorized nor sanctioned by FMCSA.

Tips to Carrier Officials

Telephone Solicitations:

- DO NOT give out personally identifiable information (PII) to an unknown or unverified caller!
- Make callers slow down and make sure you understand them clearly; ask questions!
- When speaking to a caller unknown to you:
- BEFORE you conduct business, ASK the caller if he or she is an FMCSA official or a duly authorized representative of the U.S. Government or
- If they are a service provider or third party administrator and VERIFY.

Written Solicitations:

- Read written solicitations and notices CAREFULLY!
- Do not be influenced by a fax ID line reading "DOT" or FMCSA!
- "Data lines" are easily added to any fax device and are often "spoofed."
- If a carrier or new entrant receives an e-mail, fax, text, or letter that leads them to believe they are in contact with a representative of the U.S. Government CONFIRM you are dealing with a U.S. Government Official!
- Information on FMCSA's offices is available at www.fmcsa.dot.gov
- Contact the FMCSA office in your state to confirm information.
- Look for small print disclaimers on solicitations or notices that state that the company is not affiliated with the U.S. Department of Transportation or FMCSA, or that state it is a private entity or company.
- **FMCSA Official and representatives DO NOT ask for banking or credit card information by telephone!**
- If a caller or a written communication indicates a service provider or third party administrator, they are not an employee or representative of the U.S. Department of Transportation or FMCSA.

Verification websites and phone number:

<http://www.fmcsa.dot.gov/safety/new-entrant-safety-assurance-program>

You may also direct questions to UDOT's information line at 801-965-4892

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> **and** safer.fmcsa.dot.gov/ .

DataQs allows you to challenge information that you feel is incorrect or inaccurate:
dataqs.fmcsa.dot.gov/

**Utah Department of Transportation
Motor Carrier Division
4701 S 2700 W
Salt Lake City, UT 84114
Phone: (801) 965-4892
Toll Free: (866) 215-5399**