

2014 Safety – Year in Review



Presented By
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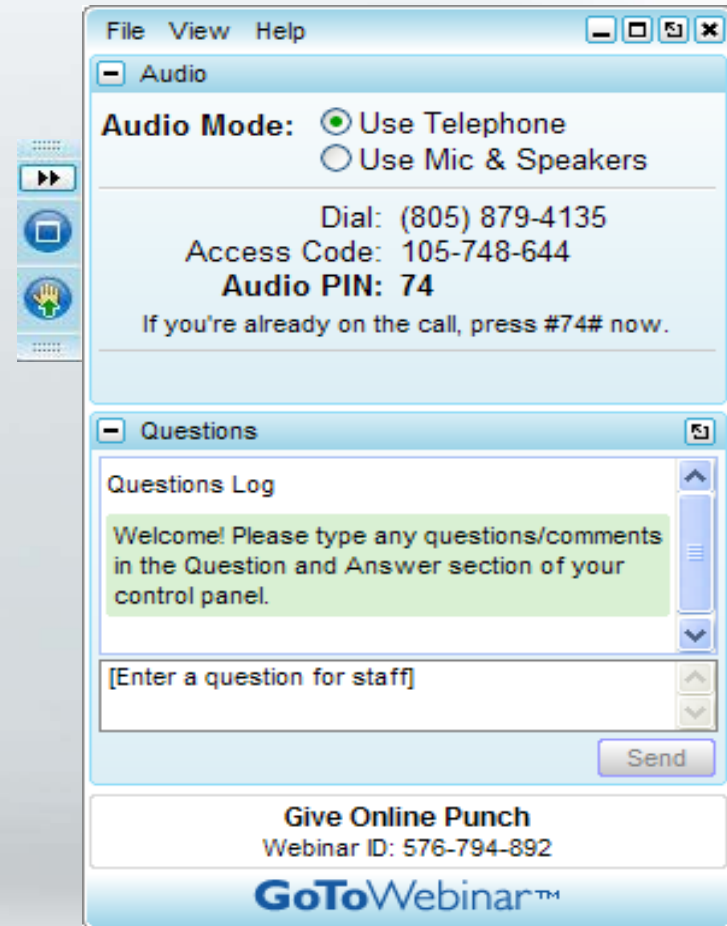
About the Technology

All of your lines have been muted for the duration of the webinar.

Please enter any inquiries in the Question box.

You can slide the webinar window closed by clicking the double arrow or orange arrow.

Do not click the black 'X' or you will exit the webinar.



OSHA Announces Changes that take effect for reporting severe injuries and illness as of January 1, 2015

- Employers are now required to notify OSHA of work related fatalities within 8 hours.
- Work-related in-patient hospitalizations, amputations or loss of an eye must be reported within 24 hours.
- All employees covered by the Occupational Safety and Health Act, even those who are exempt from maintaining injury and illness records, are required to comply with OSHA's new severe injury and illness reporting documents.

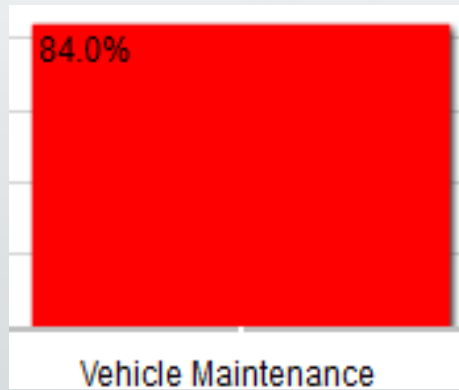
FMCSA - Possible Insurance Increase

- The FMCSA released a report in April 2014 that stated there was a real necessity to increase the minimum insurance from \$750,000 dollars.
- The Federal Motor Carrier Safety Administration announced Nov. 26 it is seeking trucking industry input on a potential rulemaking that would increase the \$750,000 minimum amount of liability insurance motor carriers must have.
- The FMCSA Says it will accept comments on this potential rulemaking until February 26, 2015 through their rulemaking portal @ regulations.gov
- According to the FMCSA, based on inflation the minimum amount of insurance should be closer to \$2 Million dollars and in some instances \$4 million dollars.

NEW Maintenance Citation for trucking companies.

- Trucking companies now may receive a Notice of violation “Fine” with or without a DOT Audit for violating the following regulation:
- 396.3(a)(1) – Failing to inspect and maintain your vehicles for safe operations
- 2 Things must happen to receive this Fine:
 - **Your Vehicle Maintenance BASIC MUST be in Alert Status (80%/75% or higher) &**
 - **Your Vehicle Out of Service rate must be 34% or higher**
- If you have both of these, then you should expect notification of violation for violating the above citation = 396.3(a)(1)

EXAMPLE



FMCSA US Inspections (24 months prior to)			
47 Total Inspections			
Inspection Type	Vehicle	Driver	Hazmat
Inspections	27	47	0
Out of Service	11	5	0
Out of Service %	40.74%	10.64%	0.00%
National Average %	20.72%	5.51%	4.50%

Medical Certificate Changes

MEDICAL EXAMINER'S CERTIFICATE				
I certify I have examined <u>JOHN PUBLIC</u> in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified; and, if applicable, only when:				
<input checked="" type="checkbox"/> Wearing corrective lenses	<input type="checkbox"/> Driving within an exempt intracity zone (49 CFR 391.62)			
<input type="checkbox"/> Wearing hearing aid	<input type="checkbox"/> Accompanied by a Skill Performance Evaluation Certificate (SPE)			
<input type="checkbox"/> Accompanied by a _____ waiver/exemption	<input type="checkbox"/> Qualified by operation of 49 CFR 391.64			
The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.				
SIGNATURE OF MEDICAL EXAMINER <i>Ben Sample</i>		TELEPHONE 555-555-5555	DATE 05/04/2012	
MEDICAL EXAMINER'S NAME (PRINT) BENJAMIN SAMPLE, MD		<input checked="" type="checkbox"/> MD	<input type="checkbox"/> DO	<input type="checkbox"/> Chiropractor
		<input type="checkbox"/> Physician Assistant	<input type="checkbox"/> Naturopath	<input type="checkbox"/> Advance Practice Nurse
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO. ISSUING STATE MD99999 OREGON			NATIONAL REGISTRY NO.	
SIGNATURE OF DRIVER <i>John Public</i>	INTRASTATE ONLY <input type="checkbox"/> YES <input type="checkbox"/> NO	CDL <input type="checkbox"/> YES <input type="checkbox"/> NO	DRIVER'S LICENSE NO. 1234567	STATE OR
ADDRESS OF DRIVER				
MEDICAL CERTIFICATE EXPIRATION DATE 05/04/2014				

CDL / Medical Merge “Self Certification”

- By February 2014 all drivers/companies should have taken all their medical information into their local DMV to have it added/(Merged) to their CDL. Drivers must also take their information to the DMV upon renewal of their medical certificates.
- The only way to check to see if this has been done and done correctly is run a new MVR on yourself/driver about 7/10 business days after the transaction.
- The FMCSA did extend the carrying of the medical card for 1 year (Ends January 2015)
- Effective January 30, 2015 – Drivers should no longer be required to retain a copy of their medical card on their person.

Four Categories of Certifying

Non-excepted interstate:

Applies to drivers who operate in interstate commerce and are subject to the qualification requirements in Part 391 of the Federal Motor Carrier Safety Regulations.

Excepted interstate:

Applies to drivers who operate in interstate commerce, but are exclusively involved in “excepted” operations under Sections 390.3(f), 391.2, 391.68, or 398.3 of the FMCSRs.

Non-excepted intrastate:

A driver who operates only in intrastate commerce and is subject to state qualification requirements.

Excepted intrastate:

A driver who operates only in intrastate commerce and is exclusively involved in operations that are excepted from the state’s qualification requirements.

Certified Medical Examiner

- By May 21, 2014 all medical examiners are now required to complete specific training to continue to conduct DOT Physicals on drivers.
- **Please reference the Medical Registry website:**
<http://nrcme.fmcsa.dot.gov>

This website will help you locate a “Certified” medical examiner in your area or closest to your area.

NATIONAL REGISTRY

OF CERTIFIED MEDICAL EXAMINERS

nationalregistry.fmcsa.dot.gov



Welcome

The National Registry of Certified Medical Examiners (National Registry) is a new Federal Motor Carrier Safety Administration (FMCSA) program. It requires all medical examiners (MEs) who wish to perform physical examinations for interstate commercial motor vehicle (CMV) drivers to be trained and certified in FMCSA physical qualification standards. Medical examiners who have completed the training and successfully passed the test are included in an online directory on the National Registry website.

[Learn More](#)

Drivers & Carriers



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Medical Examiners



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New Adjudicated Citations Policy
Effective August 23, 2014

New Policy to Improve Data Quality and Uniformity

- The FMCSA is implementing a new adjudicated citations policy to improve the quality and uniformity of data in the Motor Carrier Management Information System (MCMIS) and the Agency's other data systems, including the SMS and Pre-Employment Screening Program (PSP).

What Does Adjudicated Citation Mean?

- MCMIS contains records of inspections, including violations observed by law enforcement officers, during such commercial motor vehicle (CMV) inspections.
- Law enforcement officials, at their discretion, may issue citations for the violations recorded on the roadside inspection.

What Does Adjudicated Citation Mean? Cont.

Citation:

Refers to a notice, issued by a law enforcement officer to a CMV driver for a violation of State law or State- adopted Federal Motor Carrier Safety Regulation (FMCSR) or Hazardous Materials Regulation. The driver may contest the citation through a State-provided administrative or judicial system.

Adjudicated Citation:

Refers to a citation that has been contested and resolved through a due process proceeding in a State, local, or administrative tribunal, regardless of how the action is resolved, whether by a judge or prosecutor or as part of a plea agreement or otherwise.

Background

- **December 2, 2013 - FMCSA announced proposed policy changes and sought public comments.**
 - The proposed changes received widespread support from the motor carrier industry.
- **June 5, 2014 - FMCSA announced implementation of the policy changes starting on August 23, 2014.**

How the New Policy Works

- Starting August 23, drivers and carriers may submit a Request for Data Review (RDR), through Data - Qs, seeking to include data on the results of adjudicated citations associated with violations on an inspection report.
- Not retroactive – only applies to inspections occurring on or after August 23, 2014.
- Documentation is essential:
 - FMCSA’s data systems will not be automatically updated with adjudicated citation results.
 - To initiate the process, drivers and carriers must submit RDRs with certified documentation of the results of the judicial proceeding.

How the New Policy Works Cont.

- **Drivers and carriers should not submit a request if their adjudicated citation results meet the following conditions or outcomes:**
 - Are associated with an inspection occurring before August 23, 2014.
 - Indicate conviction of original charge.
 - **The conviction result is based on the regulatory definition of “conviction” in the FMCSRs at [49 CFR 383.5](#) and [390.5](#).**

How the New Policy Works Cont.

- States will review the request and the documentation provided by the requestor.
- States will record the result of the adjudicated citation in State data systems, which will then impact FMCSA data systems upon an update of the system (i.e., SMS and PSP).

How to Submit an Request in Data-Qs

Upload/Fax in a Document

Required documents - you will be required to submit the following document(s) before your request is reviewed, but this may be done after you submit the request:

- Access to/copies of certified court record regarding deposition of citation

Documents may include (optional):

- Inspection report
- Violation-specific documentation, such as log books, vehicle inspection reports, and mechanic statement.

To upload your documentation at this time:

1. Select file to upload: No file selected.

Allowable file size: 5MB

Allowable file types: DOC, DOCX, XLS, XLSX, GIF, JPEG, JPG, PDF, TIF, TIFF, TXT, WPD, and ZIP

Warning

Any intentionally false or misleading statement, representation, or document that you provide in support of this DataQs request may subject you to prosecution for violation of Federal law punishable by a fine of not more than \$10,000.00 or imprisonment of not more than 5 years, or both (18 United States Code 1001).

* By clicking this box, I certify/understand that the statements and information I am submitting in support of this request are, to the best of my knowledge, true, accurate, and complete.

None uploaded.

To fax your documentation

1. Print the ["Fax Cover Sheet"](#) for this request
2. Successfully submit your request in DataQs by completing all 6 steps and clicking "Submit"
3. Send fax to (617) 494-2892
4. Confirm fax was assigned to the request approximately 5 minutes after sending

No violations have been added to this request.

Driver Name

UR

How the New Policy Works Cont.

- Adjudicated citation results will appear in SMS and PSP as follows:

Result of Adjudicated Citation Associated with a Violation	SMS	PSP
Dismissed without a fine or not guilty	Violation removed	Violation removed
Conviction of a different charge	Violation indicated as conviction of a different charge; SMS severity weight reduced to 1	Violation indicated as conviction of a different charge
<i>Conviction or dismissed with a fine</i>	<i>Violation retained</i>	<i>Violation retained</i>

- Carriers logged in to Portal or SMS will be able to see all of the violations listed on an inspection and associated adjudicated citation results.**

34 Hour Restart: Proposed Change could be coming

- A Bill made its way through the Senate which includes an amendment to suspend some provisions of the hours-of-service rule changes implemented in July 2013 and require a study by the Department of Transportation.
- If the Bill becomes law, drivers will no longer be limited to taking one 34-hour restart in a 168-hour period and the restart will no longer have to include the two consecutive 1 a.m. to 5 a.m. periods.
- The Bill would only affect the restart provisions and would leave intact the rest of the hours-of-service rules, including the required 30-minute break and 14-hour on-duty time, 11-hour drive time and 10-hour off-duty time.
- This Change has not made it to Final Vote yet - Companies still need to operate as they are in effect.

E- Log Mandate Update



FMCSA Proposes Electronic Logging Device Mandate (cont'd):

- In March 2014 The (FMCSA) Federal Motor Carrier Safety Administration announced a Supplemental Notice for Proposed Rulemaking to mandate the use electronic logging devices.
- The electronic logging mandate's or ELD Mandate's effective date and publication date in the Federal Register were not announced. The FMCSA is now targeting for the rule to go into effect in September 2015. The proposal states the mandate will go into effect two years after the final rule is issued, which means the grandfather period would end September 2017. This is not set in stone and could be pushed further back if the FMCSA needs.
- The FMCSA rule estimates the annual cost of compliance will be between \$165 and \$832 per truck.

FMCSA Proposes Electronic Logging Device Mandate (cont'd):

The rule consists of four parts:

- 1.The requirement to use Electronic Logging Device or ELD
- 2.Protection Against Driver Harassment
- 3.Hardware Specifications for the Devices
- 4.Supporting Documents Drivers Must Continue to Carry After the ELD Mandate.

Mandating Logging Devices

- The mandate will apply to all drivers who are currently required to keep paper records of duty status. Drivers who are required to keep records of duty status in eight or more days out of every 30 days must use an ELD. This is a change from the 2011 rule which outlined that drivers who keep records of duty status two or more days out of every seven use a logging device.
- Company's who are using or have used what the FMCSA calls "automatic onboard recording devices" prior to the ELD mandate will have two additional years (4 total) years to implement the ELD Machines.

Helpful Websites

FMCSA

www.fmcsa.dot.gov

CSA

csa2010.fmcsa.dot.gov

SAFER System

www.safersys.org

**Pre-employment
Screening Program**

www.psp.fmcsa.dot.gov

DataQ

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

Thank You for Attending

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