



# Federal Motor Carrier Safety Administration

[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

## Regulation Overview



November 2023

# What is the leading cause of workplace fatalities?

According to the Bureau of Labor Statistics it is motor vehicle / roadway incidents. In 2021 it was approximately 38%.

Workplace motor vehicle fatalities can be reduced by complying with Federal regulations and driver education.



# What could happen if we don't comply with the FMCSRs?

Safety is compromised.

At-fault accidents increase.

Serious injuries and death occur for company employees and the public.

Lawsuits follow - -

Nuclear Verdicts are awarded.

A Nuclear Verdict is defined as a verdict that exceeds \$10 million.



# Here are examples of Nuclear Verdicts

In 2011 a \$40 million verdict was awarded to victims when a truck driver failed to stop and killed two people.

In 2012 a \$281 million verdict (reduced to \$105 million) when a driveshaft went through a windshield killing a driver.

In 2014 a \$90 million verdict was awarded when a truck was involved in an accident during inclement weather and killed a child and paralyzed another.

In 2016 a \$280 million verdict was awarded when a driver fell asleep and killed five people; including two children.



# Here are examples of Nuclear Verdicts

In 2021, a jury awarded a **\$1 billion** verdict in a wrongful death trucking case. The jury placed blame on two trucking companies, Kahkashan Transportation Inc. and AJD Business Services Inc., for the death of the 18-year-old decedent, and awarded \$100 million to the parents for the decedent's pain and suffering, and \$900 million in punitive damages for negligent hiring and retention of the AJD semi-truck driver.

What happened? The driver for AJD, was on his cell phone, driving over the legal limit of hours, and without a CDL, when he flipped his semi-truck creating a massive back up. Later a driver for Kahkashan was traveling the speed limit on cruise control and collided into the line of stopped traffic killing the decedent.

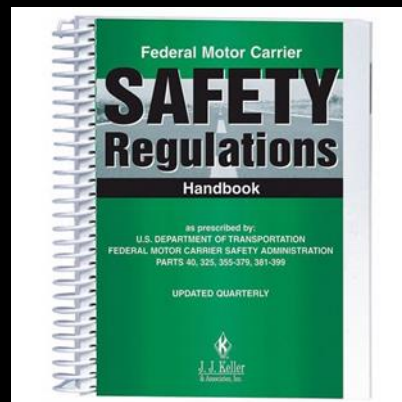
The truck's data recorder showed he did not attempt to brake until one second before the impact.



# *How can Nuclear Verdicts be avoided?*

Comply with Federal and State trucking regulations for drivers and vehicles.

The FMCSR states *“Every employer shall be knowledgeable of and comply with the regulations” (390.3T)*.



# Who is a Motor Carrier? (390.5T)

A for-hire or private CMV carrier operating on a highway.

# What is a highway? (390.5T)

Any road, street or way; whether on public or private property, open to the public.



# What is a Commercial Motor Vehicle (CMV) ?

## 390.5T – General (*Definition #1*)

- any self-propelled or towed vehicle used in interstate commerce to transport passengers or property when the vehicle has a (GVWR) or (GCWR) over 10,000 pounds,
- is designed or used to transport more than 15 passengers (including the driver),
- is of any size and used in transporting hazardous materials that requires placards.





# What is the difference between “Interstate” and “Intrastate” Commerce? (390.5T)

CMVs that cross state lines are Interstate Commerce (*trade, traffic, or transportation*) and must comply with the FMCSRs.



CMVs that do not cross state lines must comply with that state’s DOT regulations; which could be different from the Federal requirements.



# Driving of Commercial Motor Vehicles (392.1, 392.3)

Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of CMV, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules.

No driver shall operate a CMV, and a motor carrier shall not require or permit a driver to operate a CMV, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, that may make it unsafe for him/her to begin or continue to operate the CMV.



## Qualifications of Drivers (391.11)

- Is at least 21 years old,
- Can read and speak the English language,
- Can safely operate the type of CMV he/she drives,
- Is physically qualified to drive a CMV (Commercial Driver Medical Certificate),
- Has a valid CMV operator's license issued only by one State,
- Is not disqualified to drive a CMV,
- Has successfully completed a road test and has a certificate.



# General requirements for Driver Qualification File (DQF) (391.51)

- Employment Application (391.21)
- Motor Vehicle Record (MVR) (391.23)
- Certificate of driver's road test or copy of CDL (391.31)
- Annual MVR with review confirmation note (391.25)
- Medical Examiner's Certificate (391.43) or CDL MVR with proof (384.105)
- Skill Performance Evaluation Certificate; if required (391.49)

Retain file for length of employment plus 3 years.



# Hours of Service (395)

The Hours-of-Service regulations are too complex to review today.

But here are some highlights:

Logbooks (Record of Duty Status) are required unless the driver starts & returns to their origin within 12 hours or drives within a 100-mile radius. There are several variances (such as the radius is increased to 150 miles) and exemptions (for certain types of vehicles or operations; such as Utility Service Vehicles) of Record of Duty Status requirements.

An Electronic Logging Device (ELD) must be used to document Record of Duty Status. *Exemption:* If the driver does not drive a CMV more than 8 days in a 30-day period than a paper copy is allowed.



# What is the definition of an Accident? (390.5T)

- Fatality



- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or



- One or more motor vehicles are disabled as a result of the accident and are towed or transported away from the scene.



# Accident Register (390.15)

Motor carriers shall maintain for three years after an accident occurs, an accident register containing the following:

<u>Accident Date</u>	<u>Nearest Town</u>	<u>Driver</u>	<u>Injured</u>	<u>Fatalities</u>	<u>HazMat Spill</u>
Jan. 15, 2023	Flourtown, PA	Joe Cool	2	0	No
July 24, 2022	Salem, NJ	John Doe	0	0	Yes
May 29, 2022	Harrington, DE	Sam Spade	1	1	No
Sept. 10, 2021	Havre de Grace, MD	Jane Smith	3	0	No

Copies of all accident reports required by State and other government agencies and insurers must be with the register.



# What is a Commercial Motor Vehicle (CMV) ?

*(Definition #2)*

## *383.5 – Commercial Driver's License Standards*

- a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle has a GCWR over 26,000 pounds inclusive of a towed unit with a GVWR of more than 10,000 pounds, *(Class A)*
- has a GVWR over 26,000 pounds, *(Class B)*
- is designed to transport 16 or more passengers (w/ driver)
- is of any size and used in transporting hazardous materials that requires placards.  
*(Class C)*

*Note: A CDL driver must be at least 21 years of age to cross State lines (Interstate).*





# Commercial Driver's License (CDL)

## COMMERCIAL MOTOR VEHICLE GROUPS

### Group A (Combination Vehicle)

Any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more, provided the gross vehicle weight rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds.



### Group B (Heavy Straight Vehicle)

Any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.



### Group C (Small Vehicle)

Any single vehicle, or combination of vehicles, that meets neither the definition of Group A nor Group B, but is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials found to be hazardous which require the motor vehicle to be placarded. This includes any quantity of chemical or biological material or agent posing a threat to national security, including toxins.



Revised 01/06



# What is a Commercial Motor Vehicle (CMV) ?

*(Definition #2)*

*Section 383.93 – Commercial Driver's License Endorsements, Restrictions*

Endorsements are issued by the State:

1. Double/Triple Trailers (T)
2. Passenger (P)
3. Tank Vehicle (N)
4. Hazardous Materials (X)
5. School Bus (S)

Restrictions are indicated by the State:

1. Air Brakes (L)
2. Full Air Brakes (Z)
3. Manual Transmission (E)
4. Tractor-Trailer (O)
5. Group A Passenger Vehicle (M)
6. Group A and B Passenger Vehicle (N)
7. Medical Variance issued by FMCSA (V)



# Commercial Driver's License (CDL)

## CDL ENDORSEMENTS

### Double/Triple Trailers (T)



### Passenger Vehicles (P)



### Tank Vehicles (N)



### Hazardous Materials (H) (any size vehicle)



### School Buses (S)



### Tank & Hazardous Materials (X)



Federal Motor Carrier  
Safety Administration



U.S. Department of Transportation  
[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)



# CMV (CDL) Driver Requirements (382.101)

## 382 - Controlled Substances and Alcohol Use

### What is a Controlled Substance? (40.82)

Marijuana Metabolites  
Cocaine metabolites  
Amphetamines  
Opioids  
Phencyclidine (PCP)

### What is Alcohol? (382.107)

An intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.



# CMV (CDL) Driver Requirements (382.101)

## 382 - Controlled Substances and Alcohol Use

### Required Tests

Pre-employment controlled substance (382.301)

Post-Accident (382.303) (Controlled Substance within 32 hours, Alcohol within 8 hours)

Random (382.305) (annual minimum is 50% for drugs, 10% for alcohol)

Reasonable Suspicion (382.307) (based on observation of trained supervisor or company official)

Return-to-Duty (382.309) (as determined by a Substance Abuse Professional (40 Subpart O))

Follow-up (382.311)



# FMCSA Drug & Alcohol Clearinghouse *(382.701)*

*Section 382 - Controlled Substances and Alcohol Use*

*clearinghouse.fmcsa.dot.gov*

## What is the FMCSA Drug & Alcohol Clearinghouse?

The Clearinghouse is an online database that gives employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time information about CDL driver drug and alcohol program violations.

## Who must use the Clearinghouse? *(382.711)*

- Employers of CDL drivers
- CDL drivers
- Medical Review Officers (MROs)
- Substance Abuse Professionals
- Consortia / Third-Party Administrators
- State Driving License Agencies



# Commercial Motor Vehicles Inspection, Repair and Maintenance (396)

A CMV shall not be operated in such a condition as to likely cause an accident or a breakdown.  
(396.7)

Trucks and trailers with a GVWR over 10,000 lbs. must have the following records (396.3) :

1) File that identifies the vehicle including the company number, make, serial number, year, and tire size.

2) A means to indicate the nature and due date of the various inspection and maintenance operations to be performed.

3) A record of inspection, repairs and maintenance indicating their date and nature.

Records must be retained for 18 months after it leaves the company's control.



# Commercial Motor Vehicles Inspection, Repair and Maintenance (396)

Additional file documents include:

- Copies of a Driver/Vehicle Examination Report “Roadside Inspection” (retain for 12 months) (396.6)
- Driver Vehicle Inspection Report (DVIR) (retain for 3 months) (396.11)
- Periodic Inspection Report to be completed every 12 months (retain for 14 months) (396.17)

This is a 'DRIVER/VEHICLE EXAMINATION REPORT' form. It includes fields for 'Inspection Date', 'Inspection Time', 'Inspection Location', and 'Inspection Type'. There are sections for 'VEHICLE IDENTIFICATION' and 'VEHICLE CONDITION'. A 'VEHICLE CONDITION' table lists various components like 'Engine', 'Transmission', 'Brakes', 'Wheels', etc., with checkboxes for 'OK', 'Not OK', and 'Not Inspected'. A 'REMARKS' section is provided for notes. The form also includes a signature line for the inspector and a date.

This is a 'Driver's Vehicle Inspection Report' form. It includes a 'DATE' field and a 'TRUCK/CONTRACTOR NO.' field. There are two columns of inspection items, each with a checkbox. The first column includes items like 'Oil Level', 'Water Level', 'Brake Pedals', 'Steering', 'Tires', 'Wipers', 'Lights', 'Horn', 'Mirrors', 'Seat Belts', 'Fire Extinguishers', 'First Aid Kit', 'Emergency Contact Information', 'Vehicle Identification Number', 'VIN', 'Make/Model', 'Year', 'Color', 'License Plate Number', 'Registration', 'Insurance', 'Safety Equipment', 'Other'. The second column includes items like 'Brake', 'Lighting', 'Tires', 'Wipers', 'Horn', 'Mirrors', 'Seat Belts', 'Fire Extinguishers', 'First Aid Kit', 'Emergency Contact Information', 'Vehicle Identification Number', 'VIN', 'Make/Model', 'Year', 'Color', 'License Plate Number', 'Registration', 'Insurance', 'Safety Equipment', 'Other'. There is a 'REMARKS' section and a signature line for the driver.

This is an 'ANNUAL VEHICLE INSPECTION REPORT' form. It includes a 'VEHICLE IDENTIFICATION' section with fields for 'Make/Model', 'Year', 'Color', 'License Plate Number', 'VIN', 'Make/Model', 'Year', 'Color', 'License Plate Number', 'VIN'. There are two columns of inspection items, each with a checkbox. The first column includes items like 'Engine', 'Transmission', 'Brakes', 'Wheels', 'Tires', 'Wipers', 'Lights', 'Horn', 'Mirrors', 'Seat Belts', 'Fire Extinguishers', 'First Aid Kit', 'Emergency Contact Information', 'Vehicle Identification Number', 'VIN', 'Make/Model', 'Year', 'Color', 'License Plate Number', 'Registration', 'Insurance', 'Safety Equipment', 'Other'. The second column includes items like 'Brake', 'Lighting', 'Tires', 'Wipers', 'Horn', 'Mirrors', 'Seat Belts', 'Fire Extinguishers', 'First Aid Kit', 'Emergency Contact Information', 'Vehicle Identification Number', 'VIN', 'Make/Model', 'Year', 'Color', 'License Plate Number', 'Registration', 'Insurance', 'Safety Equipment', 'Other'. There is a 'REMARKS' section and a signature line for the inspector.





# *How can Nuclear Verdicts be avoided?*

**Vehicle Telematics** is a “Best Practice”.

*A vehicle / driver GPS fleet monitoring program with dash cameras have proven to be beneficial in reducing the frequency and severity of accidents.*

*The benefits include improved driver performance, protection from false claims, and vehicle maintenance management.*





# Federal Motor Carrier Safety Administration

[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

## Regulation Overview



November 2023