



SAFETY BULLETIN



FREQUENTLY ASKED QUESTIONS

Regulation FAQ's

I am using a driver leasing company, who is responsible for the compliance with the Federal Motor Carrier regulations?

Answer: Driver services and driver leasing companies are not motor carriers and are not responsible for compliance with the regulations. The driver service or leasing company may complete activities such as driver qualification files, annual reviews, road tests, etc. at the direction of the motor carrier. However, keep in mind that you the motor carrier are responsible for any non-compliance with the FMCSA regulations.

Can my driver use 150 Air-Mile Radius Hours of Service Provision?

This provision depends on the type of vehicle being driven and not the license of the driver. So what type of vehicle does this provision apply to? A commercial motor vehicle that does not require a CDL would include a CMV greater than 10,000 lbs GVWR, GCWR or gross weight and less than 26,001lbs not transporting hazardous materials or passengers.

And the provision is as follows:

Drivers of non-CDL vehicles who are operating within a 150 mile radius of their normal work reporting location and return to their normal work reporting location at the end of their duty tour are now covered by this separate hours of service provision. (FMCSR CFR 395.1(e) (2))

1. Drive a maximum of 11 hours after coming on duty following 10 or more hours off duty.
2. 2 days a week may drive up to the 16th hour after coming on duty; other 5 days, must comply with the 14-hour rule.
3. Time records may be used in lieu of records of duty status (grid logs)
4. Must comply with 60/70 hours in 7/8 days regulation.
5. Can still take advantage of the 34-hour restart of total hours.

The advantage of being able to use this provision is beneficial to both the driver and the motor carrier. The driver does not have to maintain a grid log rather just a time record. The motor carrier enjoys more flexibility in using the driver by allowing the driver to drive up



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Unified Carrier Registration Update

The 2016 Unified Carrier Registration (UCR) year is upon us and enforcement for the UCR was supposed to start on January 1, 2016. However, a recent decision by the UCR Board recommended extending the enforcement date to February 1, 2016.

This means that if you haven't yet filed for your 2016 UCR registration, you might catch a break.

A few reminders regarding UCR registration -

UCR applies to the following entities engaged in interstate commerce:

- Private property carriers;
- For-hire passenger, property, and exempt commodity carriers;
- Freight forwarders;
- Leasing companies, and
- Brokers.

Carriers based in Canada or Mexico and operating into the United States are also subject to UCR.

There are a handful of states that do not participate in UCR but that doesn't mean that entities based in those states are off the hook for UCR payment. If you're based in a non-participating state, or Canada or Mexico, you must select a base state and the UCR application form provides guidelines for how to do so.

to the 16th hour after coming on duty 2 days a week (keep in mind the driver can only drive a maximum of 11 hours, the provision just allows the driver to be on duty up to 16 hours).

What documentation is required to be kept in the vehicle of units I have from Idealease showing that the vehicle is a lease or rented vehicle?

Answer: If the vehicle is subject to the Federal Motor Carrier Safety (FMCSA) regulations (greater than 10,000 lbs MGWR) then a document is required to be in the unit for the duration of the lease or rental.

Lease vehicles are subject to the FMCSA regulation CFR 376.11(c) stating that a copy of the lease or certified statement of lease with the required information is to be kept on the unit during the lease period. You can click on the following link to download an [Idealease statement of lease form](#) to complete and place in your units.

Rental vehicles are subject to the FMCSA regulation CFR 390.21(e)(2)(iv) stating that a copy of the rental agreement is to be carried on the unit for the duration of the rental.

As a driver am I responsible to see that the cargo in my truck is properly secured even if I do not load it?

Answer: YES, The FMCSA Regulations state in CFR 392.9(a)(1) a) General. A driver may not operate a commercial motor vehicle and a motor carrier may not require or permit a driver to operate a commercial motor vehicle unless-(a)(1) The commercial motor vehicle's cargo is properly distributed and adequately secured as specified in §§ 393.100 through 393.142 of this subchapter.

Do I need a CDL license to operate that truck?

Answer: The regulations that address this question are found in FMCSA CFR 383.3. §383.3 Applicability.

(a) The rules in this part apply to every person who operates a commercial motor vehicle (CMV) in interstate, foreign, or intrastate commerce, to all employers of such persons, and to all States.

The definition for a commercial motor vehicle for this regulation is as follows:

Commercial motor vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle-

- Has a gross combination weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit(s) with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 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 hazardous materials as defined in this section.

What are the disqualifications that would prevent a driver from receiving clearance in the security threat assessment process for a Hazardous Materials endorsement?

Conviction of any of the following crimes will disqualify a driver from being eligible for a hazmat endorsement:

- Terrorism, Assault with intent to murder, Murder, Espionage, Sedition, Kidnapping or hostage-taking, Treason, Rape or aggravated sexual abuse, Extortion, Robbery, Arson, Bribery, Smuggling, Immigration violations, RICO (Racketeer Influenced and Corrupt Organizations Act) violations, Unlawful possession, use, sale, distribution, or manufacture of an explosive device, firearm, or other weapon, Distribution of, intent to distribute, possession, or importation of a controlled substance, Dishonesty, fraud, or misrepresentation, including identity fraud, Crimes involving a severe transportation security incident, Improper transportation of a hazardous material,

While enforcement has been delayed to February 1, 2016, enforcement can use discretion and may still issue citations. If you haven't yet filed UCR for 2016, now is the time.

The 2016 filing can be completed on the national official UCR website at www.ucr.in.gov. A mobile version of the site is also accessible virtually anywhere with a smartphone. UCR registration can be completed and fees can be paid right from the smartphone. Enforcement is also able to use the mobile site to check that a carrier's UCR fees have been paid for the current year as well as previous years.

Conspiracy or attempt to commit any of these crimes

All drivers who need to renew their hazardous material endorsement or apply for a new HM endorsement on their CDL need to complete the "Security Threat Assessment" process. It is recommended that drivers start this process 90 days prior to the expiration of their license. To start the assessment processes go to: <http://www2.idealease.com/e/36492/or-industry-hazmat-endorsement/3pfhwb/436301533>

What do the FMCSA regulations say about my driver who has a current medical certificate but has developed a medical condition that would make the operation of a commercial motor vehicle (CMV) questionable and possibly unsafe?

FMCSA regulations prohibit a driver from beginning or continuing to drive if their ability and/or alertness is impaired by: fatigue, illness, or any cause that makes it unsafe to begin (continue) to drive a commercial vehicle.

Even if a driver currently has a valid medical certificate, the driver is prohibited from driving a CMV with any medical condition that would be disqualifying or may interfere with the safe operation of a CMV. Once a disqualifying medical condition is resolved, and before resuming operation of CMV, a driver is responsible for obtaining re-certification from a Medical Examiner. FMCSA CFR 391.45

Random Drug Test Rate Drops

The Federal Motor Carrier Safety Administration (FMCSA) has announced that it is reducing the random drug testing rate for commercial motor vehicle drivers to 25 percent, effective January 1, 2016.

The minimum annual percentage rate for controlled substances testing had held at 50 percent of the average number of driver positions since the inception of the Part 382 drug and alcohol testing requirements in 1995.

The FMCSA Administrator's decision to decrease the minimum annual random testing percentage rate is based on the reported positive random test rate for the entire motor carrier industry.

Based on the controlled substances random test data in FMCSA's Management Information System (MIS) for calendar years 2011, 2012, and 2013, the positive rate for controlled substances random testing fell below the 1.0 percent threshold for 3 consecutive calendar years. As a result, FMCSA lowered the controlled substances minimum annual percentage rate for random controlled substances testing to 25 percent of the average number of driver positions.

The minimum annual percentage rate for random alcohol testing will remain at 10 percent for calendar year 2016.

California Air Resources Board updates truck and bus reporting guide

The California Air Resources Board (CARB) has updated its guide for the Truck Regulation Upload, Compliance, and Reporting System (TRUCRS). This system allows entities to report their diesel-powered vehicle information to meet requirements in CARB's Truck and Bus Regulation.

The regulation applies to certain individuals and organizations operating diesel vehicles in California that have a Gross Vehicle Weight Rating (GVWR) over 14,000 pounds. The next reporting deadline is January 31, 2016.

Click [here](#) to view the reporting guide.

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