



Idealease Safety Bulletin

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New Medical Certification Requirements: A Guide for Commercial Driver's License (CDL) Holders

Starting January 30, 2012 and no later than January 30, 2014, all CDL holders must provide information to their SDLA regarding the type of commercial motor vehicle operation they drive in or expect to drive in with their CDL. Drivers operating in certain types of commerce will be required to submit a current medical examiner's certificate to their SDLA to obtain a "certified" medical status as part of their driving record. CDL holders required to have a "certified" medical status who fail to provide and keep up-to-date their medical examiner's certificate with their SDLA will become "not-certified" and they may lose their CDL.

REMINDER **NEXT Wednesday FEB 1st!**

Your OSHA 300A log is to be posted for all employees to view. The log is to remain posted through **April 30**.

For specific State by State requirements for drivers and information related to how a State is handling the Medical Certification requirements, and to determine who to contact for additional information, click on the following link: <http://www.aamva.org/aamva/DocumentDisplay.aspx?id=1687D99D3-FFB5-4B76-BD6F-F5EF54728BE0>

DOT - Office of Drug & Alcohol Policy & Compliance Offers Clarification

We wish to clarify an issue brought recently to our attention regarding Medical Review Officers (MROs) contacting employees' treating physicians. For a number of years, we have emphasized that Health Insurance Portability and Accountability Act (HIPAA) rules do not apply to MROs carrying out their verification process duties under 49 CFR Part 40. That position still holds: MROs do not need and must not attempt to obtain an employee's permission in order to confer with prescribing physicians.

The [General Issue Update Question and Answer](#) [dated 07/06] is the Department's official and authoritative position in this matter. It states, in part:



MROs need no written authorizations from employees to verify drug test results, to discuss alternative medical explanations with prescribing physicians and issuing pharmacists, to report results to employers, to confer with Substance Abuse Professionals (SAPs) and evaluating physicians, or to report other medical information (see §40.327).

If an employee presents a medical explanation during the verification interview, we encourage the MRO to contact the treating physician if the MRO has suspicions or questions resulting from the interview. We also encourage the MRO to contact the pharmacy to verify the legitimacy of the prescription. Requiring a waiver or consent for this information is contrary to Part 40, and it would impose a requirement on an employee for a release that is also counter to Part 40 (see §40.355).

FMCSA TO ISSUE CLARIFICATION OF TANK VEHICLE DEFINITION

The Federal Motor Carrier Safety Administration has stated it will publish a Federal Register notice within the next several weeks giving guidance on the agency's interpretation of the revised definition of "tank vehicle." A final rule revising the CDL testing and learner's permit standards, [76 Federal Register 26854 \(May 9, 0211\)](#), also changed the definition of "tank vehicle" in 49 CFR 385.5. The new definition states that "tank vehicle" means "any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis."

This new definition will require a tanker endorsement on the CDL of **any** driver operating a CMV that would be transporting four or more intermediate bulk containers, since those typically contain anywhere from 250 gallons to 330 gallons of liquid per IBC. Putting four of those in the trailer of any CMV would exceed the aggregate 1,000 gallon capacity. This endorsement would be required regardless of whether the product transported is regulated as hazardous material or not.

Anti-Idling Laws Updated

The American Transportation Research Institute (ATRI) has updated the listing of state and local idling regulations found on its website www.atri-online.org. The updated listing is provided in two forms, a cab card which can be downloaded and carried in the glove box of a truck and the online compendium which provides links to each regulation.

Two newly enacted regulations are highlighted as well as an upcoming change to an existing law. These updates include:

1. The State of Oregon's 5-minute idling limit took effect on January 1, 2012. An exemption for air conditioning or heating during a rest or sleep period when the outside temperature is less than 50 degrees or greater than 75 degrees is provided. Violations can result in fines of up to \$180.
2. Salt Lake City enacted a 2-minute limit with a number of exemptions including idling to power auxiliary equipment other than heaters or air conditioners. First-time offenders will be issued a warning.
3. West Virginia's exemption from the state's 15-minute limit for air conditioning or heating during a rest or sleep period is set to expire on May 1.

Registration is now open on line for the 2012

Idealease/NPTC Safety Seminars

Upcoming seminars to be held in March:

-March 13- Madison, WI
-March 14- Youngstown, OH
-March 15- Cleveland, OH
-March 20- Ventura, CA
-March 21- Los Angeles, CA

-March 22- Santa Fe Springs, CA
-March 27- Atlanta, GA
-March 28- Chattanooga, TN
-March 29- Nashville, TN

To view the schedule of all seminars in 2012 and to register for a seminar click on:

www.Idealease.com/safety

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