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SAFETY BULLETIN



Driver Background Investigations

What inquiries are required to be completed, by the FMCSA regulations, for a driver who has applied to drive a commercial motor vehicle (>10,000lbs MGWVR) for a motor carrier?

Answer: CFR 391.23 addresses the inquiries and investigations that are to be completed by a motor carrier into a new driver's past. Not only are past employment inquiries and investigations required by the FMCSA they are instrumental in providing liability protection.

1. MVR

The regulations require that an inquiry be made into the driver's driving record to the appropriate state agency for the preceding three years to the date of application. In essence, a Motor Vehicle Record is required for each driver applicant including three years of driving history and must be obtained within 30 days of the date of the driver's employment.

2. Past Employment Investigations



February 26, 2016

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Start now to make sure that all of your drivers are aware of the change to daylight savings time in two weeks. Caution route drivers especially that the amount of daylight will change according to their stops with the change.

Also, remember to change the batteries in smoke alarms and carbon monoxide detectors as well.

Most sleep experts recommend a minimum of 7 hours of sleep a night. Many people sleep an average of 40 minutes less Sunday night, March 13 after Daylight Saving Time returns. Plan ahead to avoid being sleepy. Sleep in Sunday morning and nap Sunday afternoon.

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The regulations outline that an investigation of the driver's safety performance history be made to all Department of Transportation regulated employers who employed the driver in the preceding three years to the date of application. This investigation may consist of personal interviews, letters, fax, e-mails, telephone interviews or a third party. A written record must be made of the investigation and the results and placed in the driver qualification file for each past employer who was regulated. The investigation must include general driver identification and employment verification information and all DOT recordable accidents that have occurred during the last three years to date of application.

3. Drug and Alcohol Inquiry

After obtaining a signed release from the driver applicant the employer is required to make an inquiry to all previous DOT regulated carriers in the three years preceding the date of application whether the driver has violated the alcohol and or controlled substance prohibitions under CFR 382 or title 40. The inquiry will specifically request the following:

1. Did the driver applicant have an alcohol test with a result of 0.04 or higher?
2. Did the driver applicant have a positive drug test?
3. Did the driver applicant refuse to be tested?
4. Did the driver applicant have any other violations of the DOT agency drug and alcohol testing regulations?

4. Driver Applicant Drug and Alcohol Inquiry

As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section).

A Driver has the right to review information provided by previous employers.

1. The right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the prospective employer.



Safety Seminar

Idealease and the National Private Truck Council NPTC will again be hosting safety seminars in 2016. The one day seminar this year will focus on the new Electronic Logging Device (ELD) regulation, basic safety and compliance, regulation changes and CSA. In addition, this year attendees will receive the mandatory two hour Drug and Alcohol supervisor training as part of the seminar. The seminars and will be provided to all Idealease customers, potential customers and NPTC members at no charge. The seminar provides important information applicable for both the novice and experienced transportation professionals.

[Click Here](#) to register

2016 Idealease Safety Seminar Schedule:

March 17	Memphis, TN
March 23	Santa Rosa, CA
March 29	Shreveport, LA
March 30	Dallas, TX
March 30	Atlanta, GA
April 12	Wausau, WI
April 14	Madison, WI
April 14	Lodi, CA
April 19	Fort Myers, FL
April 20	Tampa, FL
April 21	Orlando, FL
April 26	Baltimore, MD
April 27	Harrisburg, PA
April 28	New Windsor, NY
April 28	Cedar Rapids, IA
May 3	Kansas City, MO

2. 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. Refer to CFR 391.23 for additional information on the driver's right to review and dispute the information and the time limits involved.

Are You Using The FMCSA PSP Screening Program?

The Pre-Employment Screening Program (PSP) is a screening tool that allows motor carriers and individual drivers to purchase driving records from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available for 24 hours a day via the PSP web site.

Motor Carriers and drivers can enroll in the PSP program by going to the FMCSA PSP website link:

<http://www2.idealease.com/e/36492/Pages-default.aspx/4484yb/463179621>

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May 3	Lexington, KY
May 5	Salt Lake City, UT
May 5	Aurora, CO
May 10	Everette, WA
May 12	Moncton, NB
June 7	Springfield, IL
June 23	San Leandro, CA
September 20	Lafayette, IN
September 22	Santa Barbara, CA
October 4	Green Bay, WI
October 4	Erie, PA
October 5	Butler, PA



Right of Way

While investigating accidents over the years and talking with drivers, many times the driver would state, "I had the right-of-way". What does this really mean? When we have the "Right-of-Way" does this allow us to proceed without regard for other vehicles? The FMCSA in their accident countermeasure program addresses "Right-of-Way" as follows:

Objective: To prevent accidents by drivers giving "right-of-way" until it is apparent that right-of-way is being given by the other driver.

Description: Generally, the driver who arrives last gives right-of-way to those who were already there. You give right-of-way when entering traffic. You give right-of-way when turning left in front of approaching traffic. You give right-of-way when changing lanes. You move into your intended path or direction only after you are assured you will not conflict with other traffic.

As a Transportation Manager you should ask yourself the following:

1. Do my drivers understand the meaning of right-of-way?
2. Periodically, do you have a qualified person ride with your drivers to evaluate their behavior in right-of-way situations?
3. Do you have a realistic scheduling policy that does not encourage drivers to take right of- way rather than give it?
4. Are the drivers aware of the concept of "preventable accident"?

Tips for Drivers concerning "Right-of-Way":

- Do not force other drivers to brake or steer because of your obstructive maneuver into their path.
- Assume other drivers will not see you and avoid you when you maneuver into their path.
- Move into your intended path or direction only after you are assured you will not conflict with other traffic.

CARB Offering Diesel Compliance Courses

The California Air Resources Board is offering diesel compliance courses

in February and March. Several webinars have just been added. There is no cost to attend.

#504 In-Use Off-Road Diesel Vehicle Regulation

- February 24 – Bakersfield (8:30 AM-Noon)
- February 25 – Modesto (8:30 AM-Noon)
- March 11 – San Diego (8:30 AM-Noon)

#521.6 CARB Diesel Truck Rules-Compliance Options & Reporting Requirements for 2016

- February 23 – WEBINAR (2-4 PM)
- February 24 – WEBINAR (7:30 AM-9:30 AM)

To register for a live class or webinar, [click here](#). For information and full schedule of sessions, visit the training calendar [here](#). For up-to-date information about CARB diesel vehicle regulation requirements, [click here](#).

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