



NORTH RISK
PARTNERS®



PATRON
DOT Compliance

MASTERING DOT AUDITS: PREPARE YOUR FLEET FOR SUCCESS

MARCH 2025

NORTH RISK WEBINARS | 2025



PRESENTERS



Marc Nault

DOT Compliance Director
Patron Compliance Solutions LLC



Josh Grover

V.P. Commercial Lines, Risk Advisor, Partner
North Risk Partners

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)



- The Federal Motor Carrier Safety Administration (FMCSA) has a variety of interventions to contact and work with motor carriers that have safety performance and compliance problems.
- Using the Safety Measurement System (SMS), FMCSA identifies and prioritizes for interventions motor carriers that do not comply with safety rules and regulations. You may receive a warning letter from FMCSA when you have safety performance and compliance problems.
- If you do not improve your safety performance and compliance after you receive the warning letter, then FMCSA will likely prioritize you for another kind of intervention-typically, an investigation.



Get Road Smart.

SMS Safety Measurement System

A&I CSA SMS OVERVIEW SEARCH TOOLS HELP CENTER

Search Motor Carrier: Type Name or U.S. DOT#

MODLIN'S TRUCKING INC

U.S. DOT#: 422991
Address: 815 CORPORATE SQUARE ROAD
GREEN COVE SPRINGS, FL 32043
Number of Vehicles: 18
Number of Drivers: 15
Number of Inspections: 48

Safety Rating & OOS Rates

(As of 06/08/2017 updated daily from SAFER)

CONDITIONAL
(Rating Date: 05/24/2017)

Out of Service Rates

Table with 3 columns: Type, OOS %, National Avg %. Rows include Vehicle (32.1, 20.7), Driver (8.7, 5.5), and Hazmat (4.5).

Licensing and Insurance

(As of 06/08/2017 updated hourly from L&I)

Table with 3 columns: Type, Yes/No, MC#/MX#. Rows include Property, Passenger, Household Goods, and Broker.

See how the proposed enhancements impact your results. Visit the SMS Preview Website

BASIC Status (Motor Carrier View)

Behavior Analysis & Safety Improvement Categories (BASICS)

How does SMS relate to crashes?

Based on a 24-month record ending May 26, 2017

Row of 8 BASIC categories: UNSAFE DRIVING, CRASH INDICATOR, HOURS-OF-SERVICE COMPLIANCE, VEHICLE MAINTENANCE, CONTROLLED SUBSTANCES AND ALCOHOL, HAZARDOUS MATERIALS COMPLIANCE, DRIVER FITNESS, INSURANCE AND OTHER. Each has an icon and a yellow warning triangle.

On-Road Performance

Table with 8 columns showing performance metrics: 8.22 Measure (86% Percentile), 0.50 measure (69% Percentile), 0.57 measure (38% Percentile), 6.89 Measure (80% Percentile), 0 Measure (0% Percentile), 0 Measure (No HM placardable vehicle inspections), 0.83 Measure (Less than 5 driver inspections with violations), and N/A.

Unsafe Driving, Crash Indicator, and HOS Compliance

65%

require score lower than

Remaining BASICS

80%

require score lower than

VIOLATION SUMMARY		Violations: 114			
Violations	Description	# Violations	# OOS Violations	Violation Severity Weight	BASIC
392.16	Failing to use seat belt while operating a CMV	1	0	7	Unsafe Driving
392.2LV	Lane Restriction violation	3	0	3	Unsafe Driving
392.2-SLLS3	State/Local Laws - Speeding 11-14 miles per hour over the speed limit.	1	0	7	Unsafe Driving
392.2-SLLS4	State/Local Laws - Speeding 15 or more miles per hour over the speed limit.	1	0	10	Unsafe Driving
392.2-SLLSWZ	State/Local Laws - Speeding work/construction zone.	2	0	10	Unsafe Driving
395.15G01	Driver failed to have instructions on-board CMV for installed automatic on-board recording device.	1	0	1	HOS Compliance
395.8	Record of Duty Status violation (general/form and manner)	3	0	1	HOS Compliance
395.8(a)	No drivers record of duty status when one is required	1	1	5	HOS Compliance
395.8(e)	False report of drivers record of duty status	2	2	7	HOS Compliance
395.8F01	Drivers record of duty status not current	1	0	5	HOS Compliance
395.8(k)(2)	Driver failing to retain previous 7 days records of duty status	2	2	5	HOS Compliance
383.71H	Failing to submit medical certification documentation as required.	1	0	1	Driver Fitness
391.15A-SIN	Driving a CMV while disqualified. Suspended for safety-related or unknown reason and in the state of drivers license issuance.	1	1	8	Driver Fitness
391.41A-F	Operating a property-carrying vehicle without possessing a valid medical certificate.	1	0	1	Driver Fitness
392.2WC	Wheel (Mud) Flaps missing or defective	3	0	1	Vehicle Maint.
392.8	Failing to inspect/use emergency equipment	1	0	2	Vehicle Maint.
392.9	Driver may not operate a CMV without proper load securement	1	1	1	Vehicle Maint.
392.9(a)(2)	Failing to secure vehicle equipment	2	2	1	Vehicle Maint.
393.100(a)	No or improper load securement	1	1	1	Vehicle Maint.
393.100(c)	Failure to prevent cargo shifting	1	1	1	Vehicle Maint.
393.104(a)	Inadequate/damaged securement device/system	1	1	1	Vehicle Maint.
393.104(b)	Damaged securement system/tiedowns	4	4	1	Vehicle Maint.
393.104(f)(3)	Loose or unfastened tiedown.	1	1	3	Vehicle Maint.
393.110(b)	Insufficient tiedowns to prevent forward movement for load not blocked by headerboard, bulkhead, or other cargo.	6	6	3	Vehicle Maint.
393.11RT	Retroreflective material not affixed as required for trailers manufactured after December 1993	1	0	3	Vehicle Maint.
393.11TL	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997	2	0	3	Vehicle Maint.
393.11TU	Truck-Tractor upper body corner requirements for retroreflective sheeting or reflex reflective material for vehicles manufactured after July 1997	1	0	3	Vehicle Maint.

FMCSA INTERVENTIONS

Intervention	Intervention Description
Warning Letter	A letter sent to a carrier's place of business that identifies potential safety performance and compliance issues based on SMS data. A warning letter is an opportunity for a carrier to improve its safety performance and compliance without further intervention from FMCSA.
Targeted Roadside Inspection	Inspectors may use the data in SMS to identify vehicles for inspection.
Offsite Investigation	A non-ratable investigation conducted remotely, rather than at the carrier's place of business. An offsite investigation will not result in a safety rating, but penalties may be assessed for any violations found. An Offsite Investigation may be converted to an Onsite Focused or Comprehensive Investigation.
Onsite Focused Investigation	An investigation conducted at the carrier's place of business that targets specific areas of regulatory compliance. A focused investigation will not result in a Satisfactory safety rating because not all regulatory parts are examined. A focused investigation may be unrated or may result in a Conditional or Unsatisfactory safety rating. Penalties may be assessed for any violations found.
Onsite Comprehensive Investigation	An investigation conducted at the carrier's place of business that examines all areas of regulatory compliance under 49 CFR 385, Appendix B. A comprehensive investigation may result in a Satisfactory, Conditional, or Unsatisfactory safety rating. Penalties may be assessed for any violations found.
Notice of Violation (NOV)	A document alleging that a carrier has safety violations for which corrective action is recommended. If the violations are not addressed, formal enforcement action may be taken.
Notice of Claim (NOC)	The initial document issued by FMCSA to assert a civil penalty for alleged safety violations.
Unfit/Operations Out-of-Service Order (OOSO)	If a proposed Unsatisfactory safety rating becomes final, FMCSA will issue an order placing out-of-service the carrier's operations in interstate and intrastate commerce.

DEFINITION OF AN AUDIT OR COMPLIANCE INVESTIGATION-REVIEW

New Entrant Safety Audit (NESA)

- The NESA is a mandatory audit performed on new trucking companies entering the industry. The NESA focuses on the company's compliance with federal regulations and its ability to operate safely.
- This audit should be completed within the first 18 months of operation and includes a review of the company's drug and alcohol testing, hours of service recordkeeping, driver qualifications, and vehicle maintenance program management.

DEFINITION OF AN AUDIT OR COMPLIANCE INVESTIGATION-REVIEW

- Could be off-site or on-site
- Do not receive a rating
- Pass or fail audit
 - Pass, continue operations normally
 - Fail, must submit a Safety Management Plan (SMP) or a Corrective Action Plan (CAP) within 60 days of the safety audit
 - Must be approved by the 60th day or USDOT number is REVOKED

COMPREHENSIVE COMPLIANCE REVIEW

A comprehensive compliance review **is an evaluation of a trucking company's complete safety operations, including its compliance with federal regulations.** During this audit, the FMCSA assesses the company's practices in areas such as hours of service, driver qualifications, vehicle maintenance, drug & alcohol testing and record-keeping.

This audit can take anywhere from 3 to 5 days and covers all aspects of the company's operations, including its written safety policies and procedures, training programs, and compliance with federal regulations. Typically, this review will result in a carrier receiving a Rating.

COMPREHENSIVE COMPLIANCE REVIEW

- **Satisfactory** - Minimal to no acute violations, may continue operating as normal.
- **Conditional** - Multiple critical or acute violations discovered. May to continue to operate in conditional status. Must submit a SMP to request a rating upgrade. If granted, carrier will go back to unrated. Must request another on-site review for a rating upgrade to Satisfactory.
- **Unsatisfactory** - This rating is received if the carrier receives critical violations that amount to 10% or more of the total violations received. If a proposed unsatisfactory rating is given, the carrier is required to submit a SMP that must be accepted and approved within 60 days of the proposed rating.

FOCUSED COMPLIANCE REVIEW

- A focused compliance review **happens when the company is alerted in 2 or more B.A.S.I.C.S. During this audit they will focus on the area that are deficient.** This audit is based on the carriers SMS score and road-side inspections. The most common areas of a focused review would be vehicle maintenance, unsafe driving, HOS, and accidents.
- If many violations are found or there are reasons to believe there is fraudulent activity, i.e.; ghosting, reincarnating, falsified documents, the investigator could convert the audit to a comprehensive investigation which could result in receiving a rating.

EXAMPLES OF INTERVENTIONS

Warning Letters

Alert motor carriers early on to safety performance and compliance problems and the consequences of not improving, which may include either Offsite or Onsite Investigations

Investigations

Safety Investigators (SIs) conduct three types of investigations on motor carriers. Investigations take place at the carrier's place of business or remotely. During the investigation, SIs use FMCSA's Safety Management Cycle to diagnose safety performance and compliance problems and identify actions a carrier can take to improve safety.

- **Offsite:** An SI requests copies of documents from a carrier for review remotely, to identify specific safety performance and compliance problems
- **Onsite Focused:** An SI focuses on specific safety performance and compliance problems at the carrier's place of business and may interview employees and perform vehicle inspections.
- **Onsite Comprehensive:** An SI reviews the entire safety operation at the carrier's place of business and may interview employees and perform vehicle inspections.

SATISFACTORY

The carrier received an Onsite Comprehensive Investigation indicating that safety controls are sufficient to ensure compliance with the safety fitness standard. Only an Onsite Comprehensive Investigation may result in a Satisfactory rating.



CONDITIONAL

The carrier received an Onsite Comprehensive or Focused Investigation indicating that safety controls are inadequate but have not yet resulted in violations of the safety fitness standard.



UNSATISFACTORY

The carrier received an Onsite Comprehensive or Focused Investigation indicating that safety controls are inadequate have resulted in violations of the safety fitness standard, pursuant to 49 CFR 385.3. A motor carrier with a final rating of Unsatisfactory is prohibited from operating a commercial motor vehicle in interstate commerce, pursuant to 49 CFR 385.13(a).



REASONS FOR CARRIER INTERVENTION AND INVESTIGATIONS

- The Federal Motor Carrier Safety Administration (FMCSA) identifies and investigates carriers that – based on roadside performance data and investigation result–pose the greatest safety risk. This report tracks FMCSA’s progress in investigating these High-Risk carriers pursuant to the Fixing America’s Surface Transportation Act (FAST Act) Section 5305.

Carrier Type	High-Risk Criteria
Passenger Carriers	<ul style="list-style-type: none"> • 2 or more of the following Behavior Analysis and Safety Improvement Categories (BASICS) at or above the 90th percentile for one month: Unsafe Driving, Crash Indicator, Hours-of-Service (HOS) Compliance, and Vehicle Maintenance. These are the BASICS most closely correlated with crash risk; AND • Have not received an Onsite Investigation in the previous 12 months.
Non-Passenger Carriers	<ul style="list-style-type: none"> • 2 or more of the above BASICS at or above the 90th percentile for 2 consecutive months; AND • Have not received an Onsite Investigation in the previous 18 months.

Other Reasons That Could Trigger an Investigation

- Accident Involving a Fatality
 - Haz-Mat Spill
- Not responding back to DVER’s issued by a State Agency
 - A complaint reported to the FMCSA

DRIVER VEHICLE EXAMINATION REPORTS

49 C.F.R. § 396.9

- Correct all “out of service” violations prior to operation
- Correct all other violations prior to re-dispatch
- Certify and return the inspection report to the issuing agency within 15 days
- Copy must be maintained at principal place of business for 12 months
- Make sure the driver lists all vehicle maintenance violations on their DVIR at the end of their duty shift

ITEMS THAT WILL BE REVIEWED DURING THE INVESTIGATION

- Registrations, Recordkeeping, Management
- Vehicles and trailer files
- Driver Qualifications Files
- Safe Driving
- Hours of Service
- Drug & Alcohol Testing
- Disciplinary / Corrective Action
- Hazardous Materials
- Passenger Carriers

REGISTRATIONS & VEHICLE MARKING AND INSURANCE

- **Registrations** - Must be sure that the vehicles are properly registered showing the GVWR and/or CGVWR if the vehicle is towing a trailer.
- **MCS-150** - Ensure that the carrier updates the MCS-150 form when due. This must reflect the number of vehicles, drivers and annual fleet mileage
- **Insurance** - Carrier must ensure that they are operating with the correct amount of insurance. For hire carriers need a minimum of \$750,000 in liability coverage and have your insurance company file the appropriate filing if carrier is for hire. Ie; MCS-90, BMC-91, and BMC-91X for Haz-Mat. For private carriers operating in commerce must check with the state they are operating in for the minimum requirements.
- **Accident Register** - Carrier must have an accident register for each DOT recordable accident for 3 years. This consists of having the state accident report and any other supporting document related to accident, determination of preventable or non-preventable with proof of driver counseling or training after the fact.
- **Safety Measurement System** - Carrier should review their score regularly on the SMS system to ensure you are operating in compliance. This can also be done in your FMCSA portal.
- **Vehicle Marking** - Vehicles must be marked with the company name, city & state and USDOT number listed on both sides of the vehicle. Must be contrasting in color and visible from 50 feet.

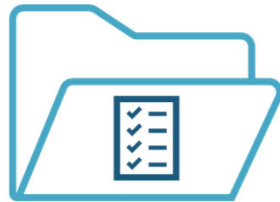
VEHICLE MAINTENANCE AND FILES

- **Vehicle List** - Must be able to produce a complete vehicle list with Year, Make, Model, Vin, GVWR and proof of annual inspection.
- **Vehicle Qualification File** - Each vehicle and trailer must have a file. On the outside of the file, it must list the vehicle number, year, make, model, vin and tire size. The file must contain the Registration, 14 months of Annual Inspections, all repairs done to the vehicle with supporting documentation, and a preventative maintenance schedule.
- **Driver Vehicle Inspection Reports** - Carrier must be able to produce DVIR's. Must ensure that drivers are conducting pre & post trip inspection and that all repair and deficiencies are listed and repaired before operating the vehicle. Must have DVIR for all roadside inspections listing the maintenance violations.
- **Annual Inspections** - All vehicles being operated should have a current valid annual inspection. Carrier must ensure that these inspections are done correctly and by a qualified inspector.
- **Annual Inspector Qualifications** - Carrier should that whom ever does the inspections is qualified. If someone from the company is doing the inspections, the carrier must produce an Annual Inspector Qualification form. If having inspection done by a 3rd party, then carrier must ensure the inspector is qualified.
- **Vehicle Marking** - Vehicles must be marked with the company name, city & state and USDOT number listed on both sides of the vehicle. Must be contrasting in color and visible from 50 feet.

VEHICLE MAINTENANCE FILE CHECKLIST

- **Outside of the vehicle file must include:**

- ✓ Year
- ✓ Make
- ✓ Model
- ✓ Tire Size
- ✓ Unit number or some type of ID source
- ✓ Complete VIN #



- **Inside of the vehicle maintenance file must include:**

- ✓ Current valid registration or IRP cab card
- ✓ Copy of the insurance dec page or insurance card
- ✓ Current annual inspection and the prior year's inspection
- ✓ Vehicle maintenance record for 365 days
 - List of repairs, typically in chronological order
- ✓ Maintenance repair orders, parts receipts, and DVIR/DVER's associated with repairs
- ✓ Preventative maintenance schedule—specific to vehicle
- ✓ Current lease agreement if leased from owner/operator

DRIVER HIRING & QUALIFICATION

- **Driver's application for employment** - A complete DOT-compliant driver application 10 years of driving history
- **Clearinghouse Query** - A full PE Query must be completed and returned before placing a driver into a safety sensitive function. Carrier must conduct Annual Limited Queries for all current drivers and Follow-on queries if a limited comes back with violations.
- **Inquiry to previous employers** - Safety Performance History Requests must be performed on all employers in the last three years. Including driving and non-driving positions. Must Document all good faith effort reporting to obtain that information
- **DL inquiry to state agencies** - Upon hire, carrier must obtain an initial three-year MVR report within 30 days of hire and sign off that it was reviewed. Ensure driver has the proper endorsements for the vehicle type operated.
- **Annual MVR inquiry to state agencies** - At least once per year and every year after, as long as employed, the carrier must run this report annually and within 14 days of the driver receiving a new medical card.

DRIVER HIRING & QUALIFICATION CONT.

- **Annual review of motor vehicle record** - At least once per year the company must certify and document that they have reviewed the MVR and place in the DQ file.
- **Driver's road test certificate or equivalent** - Carrier must obtain a copy of CDL and conduct a road test for all non-cdl holders. A road test is recommended for all drivers to ensure they are qualified to operated your type of vehicle.
- **Intermittent or multiple-employer drivers driver statements of on-duty** - Prior seven days' record of duty status on the first day of being placed into a safety sensitive function. This is required for all new drivers and Multi-company drivers.
- **Medical Examiner's certificate** - Driver must self-certify with the DMV in person or online, and carrier must verify ME on National Registry and verify with ME that they in fact did the exam.

Corrective Action - Carrier must show corrective action for drivers that operated in violation. -
See Next Slide

DRIVER HIRING & QUALIFICATION CONT.

Develop good corrective action policy. There is no federal requirement for this, but it is important to have a policy to let drivers know that there are consequences for their actions, and they will be written up for violations that they receive.

Along with a good corrective action policy, **you should also have a good rewards program** for your drivers that recognizes them for their outstanding performance or achievements.

CORRECTIVE ACTIONS

Examples: no pre-trip inspection, preventable roadside inspection violations, HOS violations, uniform traffic citations, etc.

Points	Corrective Action
2	Verbal Warning
3	1 st Written Warning
4	2 nd Written Warning
5	Final Written Warning
6	Termination of Employment

REWARD PROGRAM

Examples: bonus for clean Roadside Inspections, violation free for a month, best on road performance, or an end of year performance bonus

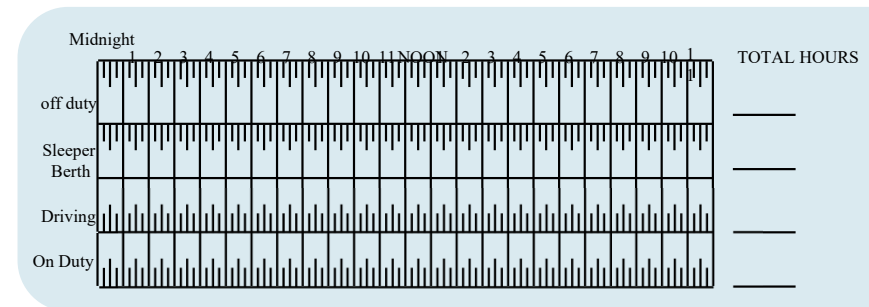


DRIVERS' HOURS OF SERVICE

Who must comply with the Hours-of-Service Regulations?

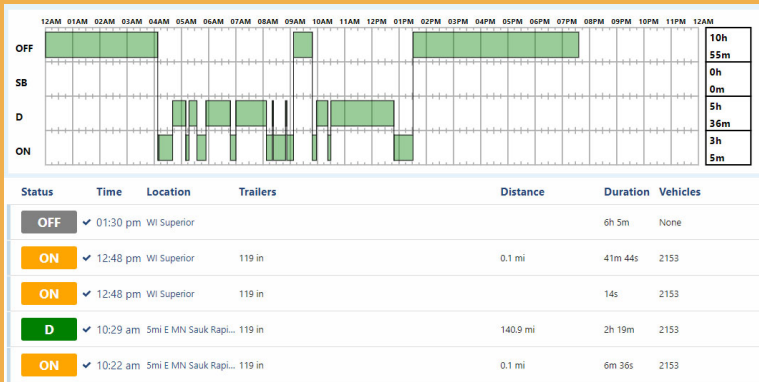
In general, it is a truck or a truck-tractor with a trailer that is involved in commerce and:

- Weights (including any load) 10,001 lbs. (4,536 kg) or more, or
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 lbs. (4,536 kg) or more, or
- Is transporting hazardous materials in a quantity requiring placards



DOT APPROVED RECORD OF DUTY STATUS

ELD



PAPER LOG

DRIVER'S DAILY LOG (24 HOURS)

Name of Carrier or Carrier: _____
 Main Office Address: _____
 Home Terminal Address: _____

Driver's Full Signature: _____
 Co-Driver's Name: _____

1. OFF DUTY
 2. SLEEPER BEARTH
 3. DRIVING
 4. ON DUTY (NOT DRIVING)

REMARKS: _____

SHIPPING DOCUMENTS: B/L or Manifest No. _____
 Shipper & Commodity: _____

DRIVER'S TIME RECORD - OPERATIONS WITHIN 150 MILE RADIUS

Drivers' Name (print) _____ Employee No. _____ Month _____ Year _____

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF "DRIVERS DAILY LOG" IF THE FOLLOWING APPLIES:

- Driver operates within 150 air-mile radius of their normal work reporting location.
- Driver returns to their normal work reporting location and is released from work within 12 consecutive hours.
- A property-carrying commercial motor vehicle driver has a least 10 consecutive hours off duty separating each 12 hours on duty.
- A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty.
- A property-carrying commercial motor vehicle driver does not exceed 12 hours maximum driving time following 10 consecutive hours off duty.
- A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty.

Date	Start Time "All Duty"	End Time "All Duty"	Total Hours	Driving Hours	Truck Number	Normal Work Reporting Location
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

Note: Employer must maintain and retain accurate time records for a period of 6 months showing the time the duty period began, ended, and total hours on duty each day in place of records of duty status.

I certify that these entries are true and correct.

Drivers Signature: X _____

TIME SHEET

HOURS OF SERVICE/ RECORD OF DUTY STATUS SUPPORTING DOCUMENTATION

Q: How long must motor carriers retain records of duty status (RODS) and supporting documents?

A: Motor carriers must retain RODS and supporting documents for six months.

Q: What are the categories of supporting documents?

A: Supporting documents required in the normal course of business are important to verify a driver's records of duty status. There are five categories, described in 49 CFR 395.11(c):

1. Bills of lading, itineraries, schedules, or equivalent documents that indicate the origin and destination of each trip
2. Dispatch records, trip records, or equivalent documents
3. Expense receipts related to any on-duty not-driving time
4. Electronic mobile communication records, reflecting communications transmitted through a fleet management system
5. Payroll records, settlement sheets, or equivalent documents that indicate what and how a driver was paid

If a driver keeps paper RODS under 49 CFR 395.8(a)(1)(iii), the carrier must also retain toll receipts. For drivers using paper RODS, toll receipts do not count toward the eight-document cap.



WHO IS REQUIRED TO HAVE ELD'S?

Who must comply with the electronic logging device (ELD) rule?

- The ELD applies to most motor carriers and drivers who are currently required to maintain RODS per Part 395, 49 CFR 395.8(a). The rule applies to commercial buses as well as trucks, and to Canada and Mexico-domiciled drivers.
- The ELD rule allows limited exceptions to the ELD mandate, including:
 - Drivers who operate under the short-haul exceptions may continue using timecards; they are not required to keep RODS and will not be required to use ELDs.
 - Drivers who use paper RODS for not more than eight days out of every 30-day period and/or travel outside of the 100 air-mile radius.
 - Drivers who conduct drive-away-tow-away operations, in which the vehicle being driven is the commodity being delivered.
 - Drivers of vehicles manufactured before 2000.

WHO IS REQUIRED TO HAVE ELD'S?

What ELD user documentation must be onboard a driver's commercial motor vehicle?

- Beginning on December 18, 2017, a driver using an ELD must have an ELD information packet onboard the CMV containing the following items:
 1. A user's manual for the driver describing how to operate the ELD;
 2. An instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions to produce and transfer the driver's hour-of-service records to an authorized safety official;
 3. An instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions; and
 4. A supply of blank driver's RODS graph-grids sufficient to record the driver's duty status and other related information for a minimum of eight days.

DRUG & ALCOHOL TESTING

CFR 49 § 382 - During an audit, the investigator will request an MIS report and an Annual Summary of all drug testing for the prior year. They will also request a copy of your certificate of enrollment from your current C/TPA. Be prepared to show proof of any Follow up program and testing.



Pre-employment

- Must be completed before a driver is placed into a safety sensitive function



Reasonable Suspicion

- Supervisors must have proof of training
- One hour on controlled substance
- One hour on alcohol



Random

- Scientifically valid method
- 50% controlled substances
- 10% alcohol



Post Accident

- Loss of human life is involved, or
- The driver receives a citations, and
- Someone is transported by ambulance, and
- A vehicle has disabling damage requiring towing from the scene



Return to Duty/Follow-up

- All tests must be done under direct observation
- Minimum of six follow-up in the first year
- Must maintain records for a period of five years

- **Carriers must have a written program/policy for drug and alcohol use and testing along with what is considered a violation.**
- **Maintain a summary of all drug and alcohol testing conducted in the past calendar year, along with the current status of any drivers who tested positive.**

SAFETY MANAGEMENT CYCLE FOR THE DRIVER FITNESS BASIC

The SMC is a tool used by the Federal Motor Carrier Safety Administration (FMCSA) to help identify and address motor carrier safety and compliance issues. Motor carriers are encouraged to use the SMC within their own businesses to determine which of the Safety Management Processes (SMPs) that they may need to improve by looking at the processes, management and controls associated with each SMP.

This identifies tools motor carriers can use to establish and improve appropriate safety management controls, thereby reducing or eliminating violations. Motor carriers and drivers are reminded, however, that they are ultimately responsible for ensuring compliance with all applicable regulations.

- 1. Policies and Procedures** define the “what” and “how” of a motor carrier’s operations. Policies establish guidelines for how motor carriers and their employees behave in a given situation. Procedures explain how to accomplish policies. The other five SMPs focus on how to implement the policies and procedures.
- 2. Roles and Responsibilities** clearly define what each employee should do to successfully implement the policies and procedures.
- 3. Qualification and Hiring** discusses recruiting and screening applicants to fulfill the roles and responsibilities for positions.
- 4. Training and Communication** outlines a motor carrier’s communication of its policies, procedures, roles, and responsibilities so that everyone understands the expectations and has the adequate skills and knowledge to perform their assigned function.
- 5. Monitoring and Tracking** concentrates on the need to have a system in place to monitor and track employee performance that enables companies to be aware of their employees’ safety performance and compliance with its policies and procedures and how they execute their roles and responsibilities. Monitoring represents the motor carrier looking at the performance of the operation, and Tracking is assessing the data collected leading to Meaningful Action.
- 6. Meaningful Action** gives motor carriers the tools to correct or improve employee behavior, including, for example, refresher training and positive reinforcement such as rewards or bonuses, to improve the motor carrier’s overall safety performance.



You are encouraged to review FMCSA’s Safety Management Cycle (SMC), a diagnostic process that Safety Investigators use, and that you can adopt to identify—and correct—practices that can lead to noncompliance in each BASIC.

To learn more about the SMC, visit:
<http://csa.fmcsa.dot.gov/getroadsmart/>

RECORD RETENTION

Driver Qualification Files: For as long as the driver is employed and for three years thereafter

Vehicle Maintenance Files: One year and for an additional six months after vehicle leaves carrier's control

Annual Inspections: 14 months

Time Records/Record of Duty Status: Six months

- Must have up to eight forms of supporting documentation

Daily Driver Vehicle Inspections (DVIR): 90 days

- Unless associated with a repair-then one year

Roadside Inspections (DVER): One year

Drug Testing Records: Negative tests for one-year, positive tests for five years, Return to Duty & SAP info for five years

CELL PHONES



NO CELL PHONES WHILE IN A COMMERCIAL MOTOR VEHICLE

The Federal Motor Carrier Safety Administration (FMCSA) rule prohibits commercial drivers from **reaching for, holding or dialing a cell phone while operating a CMV**. Drivers who violate these restrictions would face federal civil penalties of up to **\$2,750 for each offense** and disqualification of their commercial driver's license (CDL) for multiple offenses. Additionally, states would suspend a driver's CDL after two or more violations of any state law on hand-held cell phone use.



Motor carriers that allow their drivers to use hand-held cell phones while driving would face a maximum penalty of \$11,000.

HAZARDOUS MATERIALS

During a DOT hazardous materials (HazMat) audit, you need to have readily available and in good order documents related to your HazMat operations, including the types of haz-mat being carried and/or shipped as well as the types of vehicles transporting it. In addition to those items, below are some other things they will be looking for.

- A current copy of the Federal Motor Carrier Safety Regulations (FMCSR)
- HazMat security plans & Emergency Response Plan (ERP)
 - Specific to your operations
 - Training on the security plan and ERP with the drivers
- HM Shipping Documentation
 - Proof of shipments and shipping papers listing the UN number first on the shipping paper
 - 1 year retention of documents
- Incident Reporting
 - Procedures for reporting HazMat incidents and that incidents are reported promptly
- Proof of Recurring Driver Haz-Mat Training
 - Item specific
 - General

HELPFUL LINKS

FMCSA Regulations - <https://www.fmcsa.dot.gov/regulations>

FMCSA Haz Mat - <https://www.fmcsa.dot.gov/regulations/hazardous-materials>

National Registry of Certified Medical Examiners -
<https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>

FMCSA New Entrant Program - <https://ai.fmcsa.dot.gov/NewEntrant>

FMCSA Service Centers

Eastern Service Center - 443-703-2269

- CT, DC, DE, MA, MD, ME, NH, NJ, NY, PA, PR, RI, VA, VI, VT, WV

Midwestern Service Center - 708-283-3564

- IA, IL, IN, KS, MI, MN, MO, NE, OH, WI

Southern Service Center - 404-327-7351

- AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN

Western Service Center - 303-407-2347

- AK, American Samoa, AZ, CA, CO, Guam, Hawaii, ID, Northern Mariana Islands, MT, ND, NM, NV, OR, SD, TX, UT, WA, WY

NORTH RISK WEBINARS | 2025



QUESTIONS?



NORTH RISK WEBINARS | 2025