



# Update on Motor Carrier Safety Rules and Regulations

Presented By

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Senator Dwayne Umbarger, Chairman  
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# New Safety Regulations

- Compliance, Safety & Accountability Program
- CDL/ Medical Certification
- Hand Held Cell Phone Ban/ Texting Ban
- Hours-of-Service (HOS)

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CSA

# **The Most Radical Change to FMCSA Regulations in Recent History**

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# What is CSA 2010?

- FMCSA's New Safety Measurement System
- It contains a multi-level "Comprehensive Intervention Process"
- It replaces SafeStat
- It is how carriers are rated.

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# What is CSA 2010?

- Identifies carriers for different level of investigations based on specific safety issues
- Provides a rating for carriers and drivers
- Majority of the rating is from roadside inspection data
- Haz-Mat carriers and passenger carriers are rated more stringently

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# How Does It Work?

The 7 “BASIC” measurements are:

- Unsafe Driving - speeding, improper lane change, careless driving, etc.
- Fatigued Driving – Hours of Service, operating while fatigued / ill, etc.
- Driver Fitness - no valid CDL, endorsement, medical certificate, etc.
- Controlled Substances/Alcohol - possession or use
- Vehicle Maintenance – Out of Service and non
- Improper Loading/Cargo – load shifts, securement, HazMat
- Crash Indicator – DOT recordables

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# How Does It Work?

- What is the multi-level “Comprehensive Intervention Process” ?
- Warning Letters
- Investigations
  - On-site comprehensive investigations (enhanced compliance review)
  - On-site focused investigations
  - Off-site investigations
- Follow-on corrective actions
  - Out-of-Service (OOS) orders
  - Notice of Violation
  - Notice of Claim
  - Cooperative Safety Plan

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# CDL/Medical Certification

FMCSA regulations require States to implement a system where CDL holders are required to supply proof of medical certification to their respective State Drivers License Agency and for drivers' to update the system as the drivers' medical certification expires.

(Medical certifications may be issued for 3 months, 6 months, 1 year or 2 years)

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## FAQ's CDL Medical Certification

*What must I do to comply with the new requirements for making my medical certification part of my Commercial Drivers License (CDL) driving record?*

Effective with the new Kansas Driver Issuance & Verification System in early 2012, when you:

- Apply for a CDL;
- Renew a CDL;
- Apply for a higher class of CDL;
- Apply for a new endorsement on a CDL; or
- Transfer a CDL from another State

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## FAQ's CDL Medical Certification

*What if I am an existing Commercial Driver's License (CDL) holder who does not have a license renewal, upgrade or transfer between the Kansas implementation date and January 30, 2014?*

You are responsible for following the three steps above and providing your State Driver License Agency (SDLA) with your self-certification of operating status by January 30, 2014. If required, you must also provide your current medical examiner's certificate and any variance document by January 30, 2014. Your SDLA will tell you how you can provide this information

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## FAQ's CDL Medical Certification

*After I provide my State Driver License Agency (SDLA) with my unexpired medical examiner's certificate, do I still have to carry an original or copy of my medical examiner's certificate?*

Yes. Until the program is fully implemented on January 30, 2014, you will still have to carry an original or copy of the medical examiner's certificate and provide a copy to your employer for your driver qualification file.

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## FAQ's CDL Medical Certification

*What if I do not provide my State Driver License Agency (SDLA) with my self-certification and if required, my medical examiner's certificate and any required variance document by January 30, 2014?*

Your SDLA will notify you that you are no longer medically certified to operate a commercial motor vehicle in non-excepted Interstate commerce. The SDLA will then remove all your commercial driver's license privileges from your license.

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## FAQ's CDL Medical Certification

*What happens if my medical examiner's certificate or variance expires before I provide my State Driver License Agency (SDLA) with a new one?*

Your SDLA will notify you that you are no longer medically certified to operate a commercial motor vehicle in non-excepted Interstate commerce. The SDLA will then remove all your commercial driver's license privileges from your license.

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## HANDS HELD CELL PHONE BAN

- FMCSA's final rule prohibiting commercial motor vehicle drivers from holding, dialing, or reaching for a hand held cellular phone became effective on January 3, 2012.
- Currently applies to CMV drivers operating in interstate commerce and CMV drivers transporting placarded loads in intrastate commerce.

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# HANDS HELD CELL PHONE BAN

## *Dialing*

As defined by, FMCSA, a driver is allowed to initiate, answer, or terminate a call by touching a single button on a mobile telephone or on a headset.

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## HANDS HELD CELL PHONE BAN

### *Reaching*

FMCSA banned reaching for a cellular phone or hands-free device that is done in “an unacceptable manner.” Examples of this behavior would be reaching for a cellular phone on the passenger seat, under the driver’s seat or into the sleeper berth.

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## HANDS HELD CELL PHONE BAN

### *Driver and Motor Carrier Penalties*

Under the final rule, CMV drivers who are convicted of a hand-held cell phone violation twice within a three year period will be disqualified for 60 days. A third violation within a three years the driver will be disqualified for 120 days.

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## HANDS HELD CELL PHONE BAN

### *Driver and Motor Carrier Penalties*

Drivers are subject to federal civil penalties of up to \$2750 for each offense. Motor carriers that allow their drivers to use hand-held cell phone while operating a CMV face a maximum civil penalty of \$11,000 per violation.

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# HANDS HELD CELL PHONE BAN

## *Employer Liability*

FMCSA states that “no motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a CMV. FMCSA interprets the regulatory language to mean that motor carriers are responsible for the actions of its drivers, regardless of whether or not such actions are sanctioned by the motor carrier.

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# HANDS HELD CELL PHONE BAN

## *State Requirements*

States are required to adopt the final regulations within three years of enactment as a condition of receiving full Motor Carrier Safety Assistance Program funding. Once states adopt the federal language, the rule will also become applicable to intrastate non-hazmat CMV drivers.

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## FMCSA's Hours-of- Service Rules

### Key Elements of the December 2011 HOS Rule:

- Maximum Driving Hours** – FMCSA retained the current 11 hour driving time limit, but placed a limit on the number of consecutive driving hours. No driving may occur if more than 8 consecutive hours have passed since the last break of 30 minutes or more.
- **Restart** – Any restart period must include two consecutive nighttime periods (from 1 a.m. to 5 a.m.), and must be at least 34 consecutive hours long. Drivers are permitted to use the restart provision only once in any seven calendar days.

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## FMCSA's Hours-of- Service Rules

- ***14 Consecutive Hour Day (now called Driving Window)*** – The rule retains a 14 consecutive hour driving window. With 30 minute rest break, maximum on-duty time within the 14 hour window is 13.5 hours. No driving may occur after 14 consecutive hours since coming on duty; non-driving work is allowed past the 14 hour driving window.
- ***Mandatory Rest Break*** – Drivers will not be permitted to drive if 8 hours have passed since their last break of 30 minutes or more. (Only 1 break may be required depending upon timing).

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**QUESTIONS?**

**Thanks You**

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