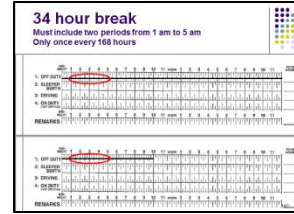
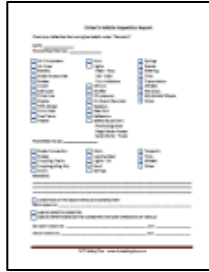


DOT Safety Plus



Pending and Recent Changes

1. On December 18, 2014 the FMCSA removed the requirement for drivers to prepare a Daily Vehicle Inspection Report (DVIR) if their vehicle did not have any safety defects. Drivers are still required to prepare a DVIR for the day that their vehicle had the safety defect.

Best practice caution: During a DOT audit we can expect the auditor to search the maintenance files for verification that the vehicle did not have a defect. If a defect is discovered that the driver failed to prepare a DVIR for there certainly will be a violation and perhaps even a false report.

In addition, from a driver discipline and control perspective, it is easier for the driver to stay in a long developed routine rather than to remember to do a rare DVIR if there is a defect. Without the regular DVIR process, it may be difficult to emphasize and monitor the critical vehicle inspection process. We recommend that our clients keep the company procedures in place for daily DVIRs.

2. On December 22, 2014 the FMCSA issued in the Federal Register a “Notice of suspension of enforcement”, effective December 16, 2014 to suspend enforcement of the two conditions attached to the 34 hour reset provision.
 - a. 395.3(c) -- Two periods from 1 am to 5 am to be part of the 34 hour period, and
 - b. 395.3(d) -- The restriction that the 34 hour reset could only be used after 168 hours since the beginning of the last 34 reset.

It is important to note that the “Consolidated and Further Continuing Appropriations Act, 2015, enacted December 16, 2014” mandated that the agency conduct a “a naturalistic study of the operational, safety, health and fatigue impacts” of those restart provisions. The deadline for the completion of the study is September 30, 2015.

Until further notice, a driver is able to reset his/her 60 hour seven day or 70 hour eight day hours of service cycle after a simple 34 consecutive hours off duty (or sleeper berth) and can use it as often as desired.

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3. As a reminder, effective January 14, 2014, a **motor carrier must verify that the driver's medical examiner is certified and on the National Register of Certified Medical Examiners and place it in the driver qualification file.** We suggest that a "screen print" of the Medical Examiner's name from the Register's website be attached to the medical card in the driver file.

For CDL drivers, **beginning on January 30, 2015, a copy of the driver's MVR must be received within 15 days after the driver physical** and the following information must be verified:

1. Tier that the driver self-certified; and
2. The Medical Examiner listed with his/her certification number is listed on the national Register of Certified Medical Examiners.

Expected Final Rules in 2015



1. In July 2015, the FMCSA is expected to expand the CSA program to convert the current Safety Measurement System (SMS) to a monthly Safety Fitness Determination.

The present rating system (Satisfactory, Conditional, Unsatisfactory) will likely be changed to a "Fit" or "Unfit" rating based on high BASIC scores. Shippers and insurance providers will likely use this new rating system to place pressure on the motor carrier to improve their performance. This initiative will also not only create a heightened awareness for a carrier's CSA scores and the carriers active control of these scores but also encourage the carriers to review and challenge inspections that they don't agree with through the DataQ process.



2. The much anticipated Electronic Log Device (ELD) will become a Final Rule in November 2015. This law will require all who now are required to do logs to install a qualified ELD on each truck/tractor within 2 years after the date of the Final Rule.

We recommend that a careful ROI review of all of the qualified providers be conducted to ensure that they can meet the new functional specifications and that the device can provide all of the data the carrier might want to utilize to measure driver performance in the future. Caution: you can expect several new providers who may or may not be able to satisfy the new law.