

# DOT Safety Plus

## Pending and Recent Changes

On April 23, 2015 the FMCSA issued another Medical Examiner's Certification Integration; Final Rule to be effective on June 22, 2015. This is a continuation of the FMCSA's efforts to combine the Medical Examiner's Certification (Med card) into the driver's CDL license. This has been a confusing process for all of us as we verify that the Medical Examiners are certified and that that information is appropriately recorded on the driver's CDLIS (MVR) record.

The most significant requirement for the motor carriers is that beginning on January 30, 2015, a CDLIS (MVR) record must be requested within 15 days after the physical to verify and document in the driver qualification file (A) what type of operation the driver self-certified for (Tier 1-4) and (B) that the driver was certified by a Medical Examiner who was listed on the National Registry of Certified Medical Examiners.

*Note: that the above MVR verification does not preclude the requirement listed in §391.23(m)(1) that the motor carrier still verifies that the Medical Examiner is certified. I have been suggesting to my clients that they query the National Registry for the ME's name or number and screen print the doctor's name. Staple that to the medical card.*

Several notable changes were included in this new Final Rule. Below is a summary:

- Between 5/21/14 and 6/22/15, using the MVR, verify that the Medical Examiner is certified.
- After 6/22/15 (7/8/15 for CDL permit holders) we will need to verify on the MVR that the driver has a valid medical examiner's certificate and what if any medical variances he/she has.
- After June 30, 2015 until **June 22, 2018**, a motor carrier may use a copy of the CDL driver's med card to allow the driver to driver for up to 15 days until the MVR can be verified.
- Until 6/22/2018, Medical Examiners are required to report the results of their physical examinations every calendar month. **After 6/22/18 they must report the results by midnight of the next calendar day after the physical has been completed.**
- **After 6/22/15, a new Medical Examiner's Certificate must be used.**
- **After 6/30/15, if non-exempt interstate CDL holder's MVR does not show his/her medical certification status they will be designated as "not-certified".**

## DOT audits

**During the past couple weeks, 4 of my DOT Safety Plus clients nationwide have been involved in DOT audits.**

Unfortunately, the two that called me after they received the notification were unprepared and regardless of any efforts to get ready, their past performance was impossible to shield them from the consequences.

I have posted a detailed description of how to prepare for a DOT audit on my website ([www.dotsafetyplus.com](http://www.dotsafetyplus.com)) but a basic summary is as follows:

1. Maintain a driver's list with the driver's name, driver's license type and number, hire date, and term date for anyone who could operate a CMV with a GVWR/GCWR of over 10,000 lbs..
2. Create an equipment list with all trucks, trailers, and dollies that could be used in combination equaling a GVWR/GCWR of over 10,000 lbs. and include the year make, VIN#, plate number and tire size.

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3. There must be an accident records showing all of the DOT accidents for the past 3 years with a separate file per accident with at least a police report.
4. Create an insurance file with at least your policy's MCS-90 for the current policy.
5. Ensure that every driver listed on the driver list has a complete driver qualification file as described in §391.51 & §391.53.
6. Every CDL driver on the driver's list must be included on the DOT's Alcohol and Drug Testing program including documented pre-employment tests and proof that they are included in the random alcohol and drug testing pool.
7. Every driver listed on the driver's list must have a file which includes their record of duty status (RODS) for every day for the last 6 months. RODS typically would be logs except for the short-haul driver who may use time sheets instead.
8. There must be a maintenance file for every piece of equipment listed on the equipment list. Each file must be marked with the unit#, year, make, VIN#, and tire size. In this file we must include all repairs and maintenance for the past 12 months. These records must confirm that a systematic PM program is working and include a copy of the last annual inspections for 14 months.
9. Every driver every day must complete a Daily Vehicle Inspection Report (DVIR) identifying any safety defect that was on their vehicle. Although last December 2014, the FMCSA removed the requirement to complete a DVIR for days when there were no defects, best practice is to continue requiring the driver to record their post and pre-trip inspection activity on the DVIR as has always been done.

Keep all of these DVIRs filed by truck for 90 days.

10. If the motor transports Hazardous Materials, the shipping papers should be on file for 2 years, there should be a Security Plan for those who transport containers with more than 6614 lbs. or 792 gallons and every HM employee's training file must include the certificate of training for their last training sessions for 3 previous years.

Two out of the 4 audits my clients have experienced in the last month turned out well with a Satisfactory rating and no penalties.

One of the two who were unprepared is being investigated for potential criminal proceeding (falsifying the driver's 10 hour breaks) and the other received a Conditional rating. The Conditional rating was for a carrier who had done nothing with DOT compliance until after our audit preparation. They were able to demonstrate a good faith effort to regain compliance as soon as they learned of their deficiencies.

Two basic principles should always be evident during a DOT audit.

1. Be organized! Pre-audit all of the files and ensure that only the DOT required forms are available for audit. Organize them all for easy inspections—every file set up the same.
2. Have a good attitude. We all want to ensure that all of our employees and the public get home safe to their families. Show the officer that you want to hear from them how we can get better. Be cooperative and professional—but you do not need to confess all of your sins. Only show or tell them what they ask for.