

# Prevention Connection



Safety resources to protect your world

SECURA INSURANCE

SAMPLE

(Company Name Here)

## Fleet Safety Program

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Please remove any policies that do not apply to your company and add your own policies when necessary

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# MOTOR VEHICLE SAFETY POLICY

## 1. Policy

Many employees operate company owned, leased, rental or personal vehicles as part of their jobs. Employees are expected to operate vehicles safely to prevent accidents that may result in injuries and property loss. It is the policy of COMPANY NAME HERE to provide and maintain a safe working environment to protect our employees and the citizens of the communities where we conduct business from injury and property loss. The company considers the use of automobiles part of the working environment. The company is committed to promoting a heightened level of safety awareness and responsible driving behavior in its employees. Our efforts and the commitment of employees will prevent vehicle accidents and reduce personal injury and property loss claims. This program requires the full cooperation of each driver to operate their vehicle safely and to adhere to the responsibilities outlined in the Motor Vehicle Safety Program. Elements of this program include:

- Assigning responsibilities at all levels of employment.
- Vehicle use and insurance requirements.
- Employee drivers license checks and identification of high-risk drivers.
- Accident reporting and investigation.
- Company Accident Review Board.
- Vehicle selection and maintenance.
- Training standards.
- Safety regulations.

## 2. Responsibility

Management is responsible for successful implementation and on-going execution of this program. Supervisors and employees are responsible for meeting and maintaining the standards set forth in this program.

## 3. Scope

This policy applies to employees who operate vehicles on company business and will be reviewed by managers and supervisors to ensure full implementation and compliance.

Signed

Date

# ORGANIZATION AND RESPONSIBILITIES

1. Company President: PLACE NAME HERE

The company president is responsible for directing an aggressive vehicle safety program.

2. Management will:

- A. Implement the Motor Vehicle Safety Program in their areas of responsibility.
- B. Establish measurement objectives to ensure compliance with the program.
- C. Provide assistance and the resources necessary to implement and maintain the program.

3. Supervisors will:

- A. Investigate and report all accidents involving a motor vehicle used in performing company business. Forward all accident reports to the Vehicle Safety Coordinator – PLACE NAME HERE.
- B. Be responsible for taking appropriate action to manage high-risk drivers as defined by this program.
- C. Provide driver training either internally or through external means for high risk drivers.

4. Vehicle Safety Coordinator:

- A. Issue periodic reports of losses for the president's review.
- B. Review motor vehicle accident reports as part of the Company Accident Review Board. Remove if you will not have an accident review board.
- C. Revise and distribute changes to the Motor Vehicle Safety Program to managers, supervisors and drivers as necessary.
- D. Maintain appropriate records.

5. Drivers will:

- A. Always operate a motor vehicle in a safe manner as explained under the section titled, "Driver Safety Regulations".
- B. Maintain a valid driver's license and minimum insurance requirements on personal vehicles used in company business.
- C. Maintain assigned vehicles according to established maintenance standards.

# VEHICLE USE

## 1. Company Owned Vehicles

### A. Passenger Cars

Employees authorized by their supervisors will be permitted to operate a passenger car. When the vehicle is driven for personal use, only the employee or the employee's spouse will be permitted to operate the vehicle. No one under the age of 21 will be permitted to operate the vehicle.

### B. Commercial Vans and Trucks

Employees with appropriate commercial driver's license (if required by the state), authorization from their supervisor and qualified by state and Federal DOT when applicable will be permitted to operate the vehicle.

## 2. Personal Vehicles on Company Business

A. Employees who drive their personal vehicles on company business are subject to the requirements of this program including:

1. Maintaining auto liability insurance with minimum limits of \$                      for bodily injury and \$                      for property damage with combined single limit of \$                      .
2. Maintain current state vehicle inspections when required.
3. Maintain their own vehicle in a safe operating condition when driven on company business.

## 3. Rental Vehicles

A. Rental vehicles will be leased from (INDICATE VENDORS SUCH AS HERTZ, AVIS, ETC.).

B. Collision damage waiver will be refused.

## 4. Unauthorized Use of Vehicles

Assigned drivers and other authorized employees will not allow an unauthorized individual to operate a company vehicle. No exceptions! Disciplinary action may be taken. Additionally, if unauthorized use results in an accident, the responsible employee will be required to make restitution for the damages.

## 5. Contractors and Temporary Employees

Contractors and temporary employees will be treated as company employees and will comply with the requirements of this program. Failure to meet all requirements will result in the immediate loss of driving privileges.

# DRIVER SELECTION

## 1. Driver Evaluation:

Employees will be evaluated and selected based on their driving ability. To evaluate employees as drivers, management will:

- A. Review past driving performance and work experience through previous employer's reference checks. All new employees and current employees recently assigned to driving duties will be required to complete the "Application Addendum for Employment Requiring Driving".
- B. Review the employee's Motor Vehicle Record (MVR) annually (more frequently if reasons warrant).
- C. Ensure the employee has valid driver's license.
- D. Ensure the employee is qualified to operate the type of vehicle he/she will drive.

## 2. Driver Qualification:

Effective driver qualification controls are important elements of a successful motor vehicle safety program. Management developed and incorporated standards into this program which reflects the skills necessary for satisfactory job performance while taking into consideration applicable Federal and state regulations.

- A. The company has implemented three levels of driver qualification criteria. Use of any or all of these criteria is dependent upon the nature and scope of the driving requirements.
  1. State-regulated driver qualification parameters must be met. Regulatory information will be obtained from applicable state departments of transportation and motor vehicle services.
  2. Where applicable, drivers will comply with DOT Commercial Driver License (CDL) regulations.
  3. Drivers involved in interstate or foreign commerce in vehicles with Gross Motor Vehicle Weight Rating (GMVR) of 10,001 pounds or more, designed to transport 16 or more passengers, including the driver, or used in the transportation of hazardous materials in a quantity requiring placarding under the DOT Hazardous Materials Regulations, are subject to the requirements of the DOT Federal Highway Administration's Federal Motor Carrier Safety Regulations.
  4. Drivers involved in intra or interstate operations with GMVR of 26,001 pounds or more must have a CDL license and be enrolled in a DOT Drug and Alcohol Testing Program.
- B. The following criteria were established to identify high-risk drivers. A driver is unacceptable if the driver's accident/violation history in the past year includes one or more of the following moving violation convictions:
  1. Driving under the influence of alcohol or drugs (DWI).
  2. Hit and run.
  3. Failure to report an accident.
  4. Negligent homicide arising out of the use of a motor vehicle.
  5. Operating during a period of suspension or revocation.
  6. Using a motor vehicle for the commission of a felony.
  7. Operating a motor vehicle without the owner's authority.
  8. Permitting an unlicensed person to drive.
  9. Reckless driving.

10. Speeding (3 or more in a 3 year period).

11. Two preventable accidents in a 12 month period.

Drivers who are identified as high risk or in violation may be subject to several actions from management including, but not limited to:

1. Driver may be required to attend a Defensive or Safe Driving Course on their own time & expense.
2. Drivers may be required to operate their own personal vehicle on company business.
3. Driver may have their driving Privileges suspended or revoked.

## **ACCIDENT RECORDKEEPING, REPORTING AND ANALYSIS**

1. This company considers elimination of motor vehicle accidents as a major goal. To meet this objective, all accidents will be reported to management, investigated, documented and reviewed by the Company Accident Review Board. The investigation identifies need for:

- A. More intensive driver training and/or remedial training.
- B. Improved driver selection procedures.
- C. Improve vehicle inspection and/or maintenance activities.
- D. Changes in traffic routes.

2. Motor vehicle accident recordkeeping procedures consist of the following components:

- A. Documentation of causes and corrective action.
- B. Management reviews to expedite corrective action.
- C. Analysis of accidents to determine trends, recurring problems and the need for further control measures.

3. Responsibility:

Implementation of these procedures remains the responsibility of both the driver and manager.

A. Driver

Since the driver is the first person at the accident scene, he/she will initiate the information-gathering process as quickly and thoroughly as is feasible.

B. Management

Management will obtain accident data from the driver through the Transportation Accident Report form and/or by verbal communication. It is important for management to determine the extent of the accident, especially if it involves injury or death to the driver, passengers, or other parties.

C. Management will immediately proceed with a formal investigation to determine the underlying causes as well as what can be done to prevent similar occurrences. The accident report will be forwarded to the insurance claims office along with any additional support data (e.g., witness statements, photographs, police reports, etc.).

4. Driver Participation in Repair Costs:

If a vehicle is involved in an accident which is determined preventable, driver reimbursement to the company should be as follows:

A. The first 50% of the repair cost, up to a maximum reimbursement of \$250 per accident, if the vehicle is repairable, will be charged back to the driver.

B. If the vehicle is a total loss; the driver will be charged \$250.

5. Preventable/Non-Preventable Accidents:

The following definitions relate to motor vehicle accidents:

A. A motor vehicle accident is defined as “any occurrence involving a motor vehicle which results in death, injury or property damage, unless such vehicle is properly parked. Who was injured, what property was damaged and to what extent, where the accident occurred, or who was responsible, are not relative factors.”

B. A preventable accident is defined as “any accident involving the vehicle, unless properly parked, which results in property damage or personal injury and in which the driver failed to do everything he/she reasonably could have done to prevent or avoid the accident”.

C. The determination of preventability of an accident is the function of the Company Accident Review Board.

NOTE 1: A properly parked motor vehicle is one that is completely stopped and parked where it is legal and prudent to park such a vehicle or to stop to load/unload property. Vehicles stopped to load/unload passengers are not considered parked.

NOTE 2: Parking on private property will be governed by the same regulations that apply on public streets and highways. A vehicle stopped in traffic in response to a sign, traffic signal or the police are not considered parked.

NOTE 3: See attached “Guide for Preventable and Nonpreventable Accidents” in Appendix.

## **EMPLOYEE ACCIDENT REPORTING PROCEDURE**

Employees will take the following actions when there are injuries to persons and/or damage to other vehicles or property:

1. If possible, move the vehicle to a safe location out of the way of traffic. Call for medical attention if anyone is hurt.
2. Secure the names and addresses of drivers and occupants of any vehicles involved their operator’s license numbers, insurance company names and policy numbers, as well as the names and addresses of injured persons and witnesses. Record this information on the Accident Report form (in the reporting packet). Do not discuss fault with, or sign anything for anyone except an authorized representative of COMPANY NAME HERE, **a police officer, or a representative of the**
3. Immediately notify the Vehicle Safety Coordinator (INSERT NAME AND TELEPHONE NUMBER). If any injuries were involved and the Vehicle Safety Coordinator is not available, contact your supervisor immediately.
4. You will be contacted by the Vehicle Safety Coordinator to advise you how to arrange for repairs to the vehicle. Do not have the vehicle repaired until you receive authorization from the Vehicle Safety Coordinator.

When there is theft of or damage to your vehicle only:

1. If you did not witness the damage to the vehicle, you must notify the local police department immediately.
2. Immediately notify Vehicle Safety Coordinator (INSERT NAME AND TELEPHONE NUMBER HERE)
3. You will be contacted by the Vehicle Safety Coordinator to advise you how to arrange for repairs or replacement of the vehicle. Do not have the vehicle repaired until you receive authorization from the Fleet Safety Coordinator.
4. Send a copy of the police report along with a memo outlining any additional information to the Vehicle Safety Coordinator.



Note: Accident reporting kits: every company vehicle should have an accident reporting kit in the glove box. This should include an accident report form, pen or pencil, and an inexpensive or disposable camera.

## **COMPANY ACCIDENT REVIEW BOARD**

All vehicle collisions should be analyzed, and a written report submitted to management for review. A determination of accident preventability should be made. Where the collision was preventable by the company Driver, the driver should be counseled, given additional training, given time off without pay, placed on probation, transferred to non-driving duties, disciplined in other ways, or employment (or services for independent contractors) terminated according to corporate, union, and governmental guidelines.

However, this does not absolve management from improving safety of the work and driving environment. The Vehicle Safety Coordinator, drivers and management personnel should each participate in the analysis. Management deficiencies and/or lack of management action should also be part of the accident review. Management has the legal obligation not only for driver safety but the safety of the general public as well. To determine preventability, an accident review board has been established. Members consist of both management and field personnel. The main charge of the review board, is to determine whether the fleet accident was preventable or nonpreventable and whether or not it is chargeable to the driver.

The attached material, "Guide for Preventable and Nonpreventable Accidents", will be used as a guide for this determination. Majority vote rules.

The committee will report the results of their review to the Vehicle Safety Coordinator within 3 working days. The Vehicle Safety Coordinator will take the appropriate steps and communicate the results to the affected driver and supervisor.

## **VEHICLE SELECTION, INSPECTION AND MAINTENANCE**

### 1. Introduction:

Proper selection and maintenance of equipment are important aspects of this program. Reduced operational costs and accidents from vehicle defects are the direct result of a well implemented maintenance policy.

### 2. Vehicle Selection:

Selection of vehicles begins with understanding that the wrong equipment can result in excessive breakdowns, create hazards to personnel, incur costly delays and contribute to poor service and customer complaints. The company will purchase vehicles designed for their intended uses.

### 3. Vehicle Inspection:

The employee responsible for the vehicle will inspect the vehicle semi-annually using the Vehicle Inspection Report form (see appendix) and forward the report to the Vehicle Safety Coordinator. More frequent inspections and reports may be required based on heavy use.

### 4. Vehicle Maintenance:

Vehicle maintenance can take the form of three distinct programs: preventive maintenance, demand maintenance, and crisis maintenance. While all three types have their role in the Motor Vehicle Safety Program, the most cost-effective control is preventive maintenance. The groundwork for a good preventive maintenance program starts with management. A review of manufacturer's specifications and recommendations for periodic preventive maintenance should be integrated with the actual experience of the vehicles.

- A. Preventive maintenance (PM) is performed on a mileage or time basis. Typical PM includes oil/filter changes, lubrication, tightening belts and components, engine tune-ups, brake work, tire rotation, hose inspection/replacement and radiator maintenance.
- B. Demand maintenance is performed only when the need arises. Some vehicle parts are replaced only when they actually fail. These include light bulbs, window glass, gauges, wiring, air lines, etc. Other “demand maintenance” items involve vehicle components that are worn based on information from the vehicle condition report. These include tires, engines, transmissions, universal joints, bushings, batteries, etc. Since these situations are identified through periodic vehicle inspection, they can actually be classified within the PM program.
- C. Crisis maintenance involves a vehicle breakdown while on the road. While situations of this type may happen regardless of the quality of the PM program, it is an expensive alternative to not having an effective preventive maintenance program at all. Crisis maintenance situations should be minimized through proper PM procedures.

5. Recordkeeping:

This company’s vehicle selection, inspection and maintenance program is only as good as its recordkeeping procedures. Employees will forward all vehicle maintenance records for maintenance performed each quarter to the Vehicle Safety Coordinator.

## DRIVER TRAINING

- 1. Drivers hired by this company to operate a motor vehicle will have the basic skills and credentials necessary to perform this function as confirmed through the driver selection process.
- 2. New employees, contractor, and temporary hires will receive a copy of this program as part of their initial orientation. A formal orientation program is established to help assure all drivers are presented with the company policy, understand their responsibilities and are familiarized with their vehicle. Areas that must be addressed, with the driver, include:
  - a. Understand, review and given a copy of the Fleet Safety Program.
  - b. Understand and sign the Vehicle Assignment Agreement.
  - c. Review individual Motor Vehicle Report (MVR).
  - d. Understand accident reporting & emergency procedures.
  - e. Review operation and controls of vehicle being assigned.
  - f. Inspect vehicle using Vehicle Inspection Form.

A copy of this program will be kept in the vehicle.

3. License Suspension:

Drivers must notify the Vehicle Safety Coordinator if their license is suspended or revoked.

4. Remedial Training:

Drivers may be required to attend a safe driving school (National Safety Council Defensive Driving course or equivalent) or an alcohol/drug abuse program on their own time and at their own expense if a review of the driver’s MVR indicates:

- A. One or more violation convictions within any one-year period, or
- B. A conviction for driving while under the influence of alcohol or drugs.

Also, depending on the severity of the conviction, the employee's driving privileges may be revoked and/or may result in employment termination.

## **DRIVER SAFETY REGULATIONS**

### 1. Safety Belts:

The driver and all occupants are required to wear safety belts when the vehicle is in operation or while riding in a vehicle. The driver is responsible for ensuring passengers wear their safety belts. Children under four years of age or under 40-pounds in weight must be secured in a DOT approved child safety seat.

### 2. Impaired Driving:

The driver must not operate a vehicle at any time when his/her ability to do so is impaired, affected, influenced by alcohol, illegal drugs, prescribed or over-the-counter medication, illness, fatigue or injury.

### 3. Traffic Laws:

Drivers must abide by the Federal, state and local motor vehicle regulations, laws and ordinances.

### 4. Vehicle Condition:

Drivers are responsible for ensuring the vehicle is maintained in safe driving condition. Drivers of daily rentals should check for obvious defects before leaving the rental office/lot and, if necessary, request another vehicle if the employee deems the first vehicle unsafe. Drivers are encouraged to rent vehicles equipped with air bags and ABS brakes, where available.

### 5. Cellular Telephones, Radios, etc.

The following procedures apply to employees driving on company business who wish to use cellular telephones in the vehicle.

- A. External speaker and microphone must be included to allow hands-free operation.
- B. Phone number memory and programming capabilities are to be included.
- C. Drivers are to refrain from placing outgoing calls or responding to pagers while the vehicle is in motion.
- D. Incoming calls should be limited.
- E. For any vehicle equipped with cellular telephone that does not meet the above equipment specifications, use of the telephone/pager is authorized when the vehicle is safely parked.
- F. Employees are prohibited from using a Walkman or similar device while operating a motor vehicle.

### 6. Motorcycles:

Employees are prohibited from using motorcycles when traveling on company business.

### 7. General Safety Rules:

Employees are not permitted to:

- A. Pick up hitchhikers.
- B. Accept payment for carrying passengers or materials.

- C. Use any radar detector, laser detector or similar devices.
- D. Push or pull another vehicle or tow a trailer.
- E. Don't transport flammable liquids or gases unless a DOT or Underwriters' Laboratories approved container is used, and only then in limited quantities.
- F. Use of burning flares will not be permitted. The preferred method is the use of reflective triangles.
- G. Assist disabled motorists or accident victims beyond their level of medical expertise. If a driver is unable to provide the proper medical care, he/she must restrict his/her assistance to calling the proper authorities. Your safety and well being is to be protected at all times.

8. Company and Personal Property:

Employees are responsible for company property such as computers, work papers and equipment under their control. The company will not reimburse the employee for stolen personal property.

## **APPENDIX**

### Forms/Attachments

- Vehicle Assignment Agreement
- Application Addendum for Employment Requiring Driving
- Guide for Preventable and Nonpreventable Accidents
- Vehicle Inspection Report
- DOT Compliance

# VEHICLE ASSIGNMENT AGREEMENT

The undersigned hereby acknowledges receipt of a company-owned or leased automobile. I understand this vehicle is to be regularly maintained and serviced, according to the service schedule outlined in the Owner's Manual or the instructions issued by the Vehicle Safety Coordinator, whichever is appropriate.

Further, it is agreed this vehicle will be operated in a safe manner. I agree to wear my seat belt whenever the vehicle is in motion and will require other occupants to do so. I agree to be responsible for all traffic and parking violations that occur while the vehicle is assigned to me.

I understand articles of this agreement apply regardless of who is operating this vehicle. I may authorize others to drive this vehicle according to the following guidelines:

- Licensed spouse except if under 21 years of age.
- Licensed employees of COMPANY NAME HERE and its subsidiaries or affiliates.
- Other licensed drivers as I so designate in emergency situations only.

I agree to promptly report all accidents, traffic violations or incidents resulting in injury or damage to the vehicle or other property, no matter how slight.

I understand I am required to maintain a valid driver's license. Further, I herewith grant COMPANY NAME HERE, the right to investigate my motor vehicle driving record any time. My current driver's license is issued from the State of (STATE NAME) and is No. EMPLOYEE NAME HERE. I understand that I am responsible for my own license plate renewal, the cost of which will be reimbursed by the company. (Optional)

If my driving record contains two moving violations within one-year period, my record will be brought up before the **Company Accident Review Board** for consideration of remedial training and/or loss of driving privileges.

**I will be required to attend a safe driving class on my own time and at my expense**, and to provide the Vehicle Safety Coordinator with confirmation of attendance within thirty days of notification if decided by the review board.

I understand I am not to modify the vehicle in any way without written permission. This specifically applies to the installation of cellular telephones, radios, CBs, speakers, etc. Further, trailer hitches and towing trailers are specifically prohibited. Further, I will not take this vehicle out of the United States without written permission from the Vehicle Safety Coordinator.

I agree to reimburse the company for damages done to this vehicle because of my negligence in the event of an accident, which has been determined to have been my fault by citation, traffic court conviction, by my own admission, or determination by management. I recognize that I am responsible for the first 50% of the repair cost, up to a maximum reimbursement of \$250 per accident, if the vehicle is repairable. If the vehicle is a total loss, I agree to be responsible for \$250 as reimbursement for the loss.

I understand the operation of this vehicle in a safe operating condition is my responsibility. If this vehicle becomes unsafe, it is my responsibility to notify my supervisor immediately.

I read and agree to the provisions of this Vehicle Assignment Agreement and the requirements of the Motor Vehicle Safety Program.

Signed

Date

Vehicle Assigned:

VIN Number:

Plate Number:

Mileage:

OPTIONAL

APPLICATION ADDENDUM FOR EMPLOYMENT REQUIRING DRIVING

Company

Address

Name

Phone:

First

Middle

Last

Driver Licenses: (list all licenses held in past 3 years and indicate those that are current)

<u>STATE</u>	<u>LICENSE NUMBER</u>	<u>CLASS</u>	<u>ENDORSEMENT(S)</u>	<u>EXPIRATION</u>
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Have you ever been denied, or had revoked or suspended any license, permit, or privilege to operate a motor vehicle?

Yes No

If you answered YES to the above questions, give details: (if addition space is needed, attach sheet)

Traffic Convictions and Forfeitures for past 3 years: (Other than parking)

<u>LOCATION (CITY &amp; STATE)</u>	<u>DATE</u>	<u>CHARGE</u>	<u>PENALTY</u>
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Driving Experience:

<u>CLASS OF EQUIPMENT</u>	<u>DATES FROM</u>	<u>DATES TO</u>	<u>APPROX. NO. OF MILES</u>
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Automobile

Van/Pick-up

Truck/Tractor

Bus

Other (Specify)

**ACCIDENT RECORD FOR PAST 3 YEARS:** (if additional space is needed, attach sheet)

DATE                      LOCATION                      NATURE OF ACCIDENT                      FATALITIES                      INJURIES

**General**

Have you ever been convicted of a felony?    Yes                      No

Have you ever been refused bond?              Yes                      No

**If you answered YES to either question, give details:** (if additional space is needed attach sheet)

**LIST SPECIAL TRAINING RELATED TO TRANSPORTATION:**

(If additional space is needed, attach sheet)

TO BE READ AND SIGNED BY APPLICANT:

This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge. I understand that, if hired, any misrepresentation of information in this application is cause for immediate dismissal. I authorize COMPANY NAME HERE to investigate my background to ascertain all information of concern to my employment history, whether same is of record or not, and release those providing such information from all liability for any damages resulting from furnishing this information. Further, I understand that I may be asked to demonstrate my ability to perform the essential functions necessary to complete the job and, if offered the job, that it may be conditioned on results of a physical examination, and controlled substances and alcohol misuse test.

DATE

APPLICANT'S SIGNATURE



## **GUIDE FOR PREVENTABLE OR NONPREVENTABLE ACCIDENTS**

An accident is preventable if the driver could have done something to avoid it. Drivers are expected to drive defensively. Which driver was primarily at fault, which received a traffic citation or whether a claim was paid has absolutely no bearing on preventability. If there was anything the driver could have done to avoid the collision, then the accident was preventable.

An accident is nonpreventable when the vehicle was legally and properly parked, or when properly stopped because of a law enforcement officer, a signal, stop sign, or traffic condition.

If a stationary object is struck, then it is usually a preventable incident. It should be noted there are exceptions to any rule, but they are just that – exceptions!

It should be the objective of any person discussing or judging accidents to obtain as many facts as possible and to consider all conceivable conditions. Adverse weather conditions, actions of other drivers, or other such excuses must not influence the judgment of preventability. If procedures, scheduling, dispatching, or maintenance procedures out of the control of the driver were found to be factors, that should be taken into account. The company must take responsibility for the work environment and recognize that drivers cannot control some aspects. It is critical that drivers have the ability to refuse to operate an unsafe vehicle without reprisal from management.

Professional drivers are expected to drive in a manner, which allows them to avoid conflicts when they arise. Whether a driver has a 25-year safe driving record or started driving the day before has no bearing on whether an accident is or is not preventable. Taking a fair attitude does not mean leniency. If an accident is judged nonpreventable and the drivers know the accident could have been avoided, they will lose respect for the safety program.

## QUESTIONS TO CONSIDER - GENERAL

When judging or discussing preventable accidents, these are some questions to consider:

1. Does the report indicate that the driver considers the rights of others or is there evidence of poor driving habits which need to be changed?
2. Does the report indicate good judgment? Such phrases as "I did not see," "I didn't think," "I didn't expect," or "I thought" are signals indicating there is something wrong. An aware driver should think, expect, and see hazardous situations in time to avoid collisions.
3. Was the driver under any physical handicap which could have been contributory? Did the accident happen near the end of a long and/or hard run? Does the driver tend to overeat? Did the driver get sufficient sleep before the trip? Is the driver's vision faulty?
4. Was the vehicle defective without the driver's knowledge? A gradual brake failure, a car which pulls to the left or right when the driver applies the brakes, faulty windshield wipers, and similar items are excuses, and a driver using them is trying to evade responsibility. Sudden brake failure, loss of steering, or a blowout may be considered defects beyond the driver's knowledge, however, the inspection and maintenance program should work to prevent these hazards.
5. Would taking a route through less congested areas reduce the hazardous situations encountered?

## QUESTIONS TO CONSIDER SPECIFIC TYPES OF ACCIDENTS

### Intersection Collisions

Failure to yield the right-of-way, regardless of stop signs or lights, is preventable. The only exception to this is when the driver is properly proceeding at an intersection protected by lights or stop signs and the driver's vehicle is struck in the extreme rear, side, or back.

Regardless of stop signs, stop lights, or right-of-way, a professional driver should recognize that the right-of-way belongs to anyone who assumes it and should yield accordingly. In addition, a professional driver is expected to know the turning radius of the vehicle and be able to avoid damaging others. These accidents are normally considered preventable.

1. Did the driver approach the intersection at a speed safe for conditions?
2. Was the driver prepared to stop before entering the intersection?
3. At a blind corner, did the driver pull out slowly, ready to apply the brakes?
4. Did the driver operate the vehicle correctly to keep from skidding?

**IF THE ANSWER TO ANY QUESTION IS NO,  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

## **Sideswipes**

Sideswipes are often preventable since drivers should not get into a position where they can be forced into trouble. A driver should pass another vehicle cautiously and pull back into the lane only when he or she can see the other vehicle in the rearview mirror. A driver should also be ready to slow down and let a passing vehicle into the lane. A driver should not make a sudden move that may force another vehicle to swerve. Unless the driver is swerving to avoid another car or a pedestrian, sideswiping a stationary object is preventable.

Drivers are expected to be able to gauge distances properly when leaving a parking place and enter traffic smoothly.

A driver is expected, whenever possible, to anticipate the actions of an oncoming vehicle. Sideswiping an oncoming vehicle is often preventable.

The doors of a vehicle should never be opened when it is in motion and should not be opened on the traffic side, unless clear of traffic, when it is parked.

A parked vehicle can be seen from a sufficient distance; therefore, the operator of an approaching vehicle should be prepared in case the doors of the parked vehicle are opened. This type of accident is nonpreventable only when the door is opened after the driver has passed it.

1. Did the driver look to the front and rear for approaching and overtaking traffic immediately before starting to pull away from the curb?
2. Did the driver signal before pulling away from the curb?
3. Did the driver look back rather than depend only upon rearview mirrors?
4. Did the driver start into traffic only when this action would not require traffic to change its speed or direction in order to avoid his or her vehicle?

**IF THE ANSWER TO ANY QUESTION IS NO,  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

## **Skidding**

Many skidding conditions are caused by rain, freezing rain, fog, and snow, which all increase the hazard of travel. Oily road film, which builds up during a period of good weather, causes an especially treacherous condition during the first minutes of a rainfall.

Loss of traction on a grade can be anticipated, and these accidents usually are preventable. Chains or other suitable traction devices should be used, if they are available.

1. Was the driver operating at a safe speed considering weather and road conditions?
2. During inclement weather was the driver keeping at least twice the safe following distance used for dry pavement?
3. Were all actions gradual?
4. Was the driver anticipating ice on bridges, gutters, ruts, and near the curb?
5. Was the driver alert for water, ice or snow in shaded areas, loose gravel, sand, ruts, etc.?
6. Did the driver keep out of other vehicle tracks or cross them at wide angles?

**IF THE ANSWER TO ANY QUESTION IS NO  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

## **Pedestrian and Animal Collision**

All types of pedestrian accidents, including collision with pedestrians coming from between parked cars, are usually considered preventable. There are few instances where the action of pedestrians is so unreasonable that the operator could not be expected to anticipate such an occurrence.

Collisions with animals are normally preventable, unless the movement on the part of an animal was unusual and unexpected. This is also taking into consideration the fact that the driver was aware of animals in the vicinity.

1. Did the driver go through congested sections expecting that pedestrians would step in front of the vehicle?
2. Was the driver prepared to stop?
3. Did the driver keep as much clearance between his or her vehicle and parked vehicles as safety permitted?
4. Did the driver stop when other vehicles had stopped to allow pedestrians to cross?
5. Did the driver wait for the green light or stop for the caution light?
6. Was the driver aware of children and prepared to stop if one ran into the street?
7. Did the driver give all pedestrians the right-of-way?
8. Did the driver stop for a school bus, that was stopped and properly signaling that passengers were loading or unloading?

**IF THE ANSWER TO ANY QUESTION IS NO  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

## **Parked or Stopped**

Accidents occurring when vehicles are properly and legally parked are considered nonpreventable. Accidents occurring while the vehicle was double-parked or in a "No Parking" zone are preventable.

1. Was the vehicle parked on the proper side of the road?
2. Was it necessary to park near the intersection?
3. Did the driver have to park on the traveled part of the highway, on the curve, or on the hill?
4. When required, did the driver warn traffic by emergency warning devices?
5. Did the driver park parallel to the curb?
6. Was it necessary to park so close to an alley or directly across from a driveway?

**IF THE ANSWER TO ANY QUESTION IS NO  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

## **Non-collision Vehicle Damage, Mechanical Failure, and Miscellaneous Problems**

The accident should be considered preventable if the investigation shows a mechanical defect of which the driver was aware, a defect the driver should have found by inspecting the vehicle, or the driver caused by rough and abusive handling.

When a mechanical failure is sudden or unexpected, not resulting from abuse or ordinary wear, it may be considered non-preventable. Bad brakes should not be considered a mechanical failure unless the failure was sudden and the driver could have had no previous knowledge of the condition. However, this type of failure cannot excuse a driver who does not know how to properly pre-trip inspect the vehicle or is too lazy to do the inspection correctly.

It is a driver's responsibility to keep the cargo in mind and be aware of any sudden vehicle movements that may cause damage to the cargo. Driving off the highway to avoid a collision may be preventable. Drivers should try not to place themselves in such a position. "U" turns are a monkey wrench in the smooth flow of traffic. Accidents that occur while this maneuver is attempted are considered preventable.

1. Could the driver have done anything to avoid the accident?
2. Was the driver's speed safe for conditions?
3. Did the driver obey all traffic signals?
4. Was the driver's vehicle under control?
5. Did the driver follow the routing and delivery instructions?

**IF THE ANSWER TO ANY QUESTION IS NO,  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

# VEHICLE INSPECTION REPORT

This report is due during the month of April and October each year. A separate report must be completed for each unit. After completion this report should be forwarded to: \_\_\_\_\_

Date: \_\_\_\_\_ Vehicle unit number: \_\_\_\_\_ Mileage: \_\_\_\_\_

License number: \_\_\_\_\_ Reporting office: \_\_\_\_\_

Branch & Department number: \_\_\_\_\_ Driver: \_\_\_\_\_

Department: \_\_\_\_\_ Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

Serial number: \_\_\_\_\_

4 cylinder      6 cylinder      Other      Cruise      Tilt wheel

Inspect and Circle one:

## Lights

Head:	OK	Out	Back-up:	OK	Out
Parking:	OK	Out	Side:	OK	Out
Tail:	OK	Out	Flashers:	OK	Out
Directional:	OK	Out			

## Tires

Front left:	Good	Fair	Poor	Front Right:	Good	Fair	Poor
Rear left:	Good	Fair	Poor	Rear Right:	Good	Fair	Poor
Conventional spare:	Good	Fair	Poor	Snow Tires:	Good	Fair	Poor
Mini spare	Yes	No	Good	Fair	Poor		

Note and explain uneven wear:

## Brakes

Check for master cylinder leaks. If unusual conditions, explain:

Check brake pedal:      High      Low

Check brake fluid:      Full      Low

Comments:

## Exterior

Paint, overall condition:	Good	Fair	Poor
Chrome, overall condition:	Good	Fair	Poor
Glass, overall condition:	Good	Fair	Poor

Explanation of overall exterior condition

Non standard ornamentation or equipment? (decals, trailer hitch, etc.) Yes No

If "Yes," describe:

Exterior damage? Yes No

If "Yes," note and explain estimated cost of repairs:

If "Yes," was claim submitted? Yes No

If "No," why not:

## Interior

Overall appearance:	Clean	Worn	Dirty		
Condition of seats:	Good	Spring broken	Sagging		
Condition of upholstery:	Clean	Worn	Dirty	Torn	Burn holes
Condition of carpets:	Clean	Worn	Dirty	Torn	
Floor mats:	Yes	No			
Windshield wipers:	Good	Fair	Poor	Broken	
Knobs, handles, etc:	Good	Broken	Missing		

### **Accessories:**

Flash light:	Yes	No
Horn working:	Yes	No
Safety belts:	Working	Nonworking
Windshield scraper: (if applicable)	Yes	No
Rear window defroster:	Working	Nonworking
Accident report kit:	Yes	No
Driver's manual:	Yes	No
Condition of trunk:	Clean	Dirty

### **Accessories:**

Jack:	Yes	No
Handle and base:	Yes	No
Lug wrench:	Yes	No
Flares or reflectors (2-6):	Yes	No

**Under Hood**

Engine:      Clean                  Dirty

Note apparent leakage:

Engine oil:      Full                  Low

Condition:

Mileage of last oil change:

Mileage of last filter change:

Mileage of last lubrication:

Windshield washer fluid:                  Full                  Low

Battery water level:                  Full                  Low

Nonfillable:                  Yes                  No

Tansmission fluid condition:      Full                  Low                  Color:      Red                  Black

Power steering fluid:                  Full                  Low

**Overall Rating of Car**

Excellent      Good      Fair      Poor

Driver's comments:

Inspector's comments and recommendations:

Inspector's signature:

Branch/Fleet Coordinator signature:

Driver's signature:

Scheduled completion date of corrective action:



# DOT Compliance DOT REGULATIONS CHANGE FREQUENTLY AND MUST BE VERIFIED AT WWW.DOT.GOV BEFORE INCLUDING INTO YOUR FLEET SAFETY PROGRAM

## A. Introduction to D.O.T. Regulations

The Federal Highway Administration (FHA) regulates interstate trucking operations through the U. S. Department of Transportation. D.O.T. developed the Federal Motor Carrier Safety Regulations (FMCSR) as the standards for compliance by any trucking operation under their jurisdiction. The FMCSR is a series of regulations divided into "parts" as follows:

<u>Part #</u>	<u>Subject</u>
383 ....	Commercial Drivers License Standards
390 ....	General
391 ....	Qualifications of Drivers
392 ....	Driving of Motor Vehicles
393 ....	Parts and Accessories for Safe Operations
394 ....	Notification and Reporting of Accidents
395 ....	Hours of Service of Drivers
396 ....	Inspection and Maintenance
399 ....	Employee Safety and Health Standards

References will be made throughout this manual to the FMCSR and various parts by number to indicate actual D.O.T. regulations rather than Company policy.

## B. General Provisions of the Federal Motor Carrier Safety Regulations (FMCSR) Part 390 (COMMERCIAL VEHICLES WITH A GROSS VEHICLE WEIGHT RATING (GVWR) OR GROSS COMBINATION RATING (GCWR) OF 10,001 POUNDS OR MORE PER THE MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 EFFECTIVE 12/9/99.

1. Generally, all private motor carriers of property, and for-hire motor carriers, operating in interstate or foreign commerce, must comply with the FMCSR. Additionally, state and local laws must be obeyed.
2. Section 390.3(a) reads: "The rules in subchapter B (the entire FMCSR), are applicable to all employers, employees and commercial motor vehicles, which transport property in interstate commerce." This means that any person who requires or permits a violation is subject to the same penalty provisions as the person who commits the offense.
3. Section 390.21 requires that every self-propelled commercial motor vehicle operated by a private carrier of property shall be identified with the company name, location, and 6-digit D.O.T. identification number on both sides of the power unit.

C. D.O.T. Definitions are found in several places in the FMCSR. A list of applicable definitions are shown in Appendix A.

## D. D. O. T. Record Retention Requirements

1. All records relating to the administration of the Drug/Alcohol Abuse Policy must be kept for 5 years. Individual negative results must be kept for 1 year for drugs and 5 years for alcohol concentration of 0.02 or greater.
2. Driver qualification files must be kept for 3 years after a driver leaves the carrier's employment or control (Section 391.51 (f)).
3. Driver qualification file records on current employees that may be removed after they are 3 years old are: medical certificates, annual reviews, list of violations, and amputee waiver letter (Section 391.51 (h)).
4. Accident reports must be retained for 3 years (Section 394.9(d)).
5. Driver logs must be retained for 6 months (Section 395.8(k)).
6. Inspection, maintenance, and repair records must be retained where the vehicle is either housed or maintained for a period of 1 year and for 6 months after the vehicle leaves the motor carrier's control (Section 396.3(c)).
7. Drivers' daily vehicle condition reports must be maintained for 3 months (Section 396.11 (c)).

## II. Driver Qualification Standards

### A. Selection Standards for All Drivers

It is of the highest priority that all drivers operating COMPANY NAME HERE vehicles are fully qualified in accordance with both Company and D.O.T. requirements. Briefly stated, a driver must meet the following requirements:

1. Be in good health and pass a D.O.T. physical (391.41).
2. Have the experience and training to safely drive (391.11):
  - a. (Optional) Have at least 1 year of commercial driving experience or be a graduate of an accredited and company approved truck driver training school.
  - b. Not have more than 1 accident or 2 driving traffic violations over the most recent 3-year period.
  - c. Not have been involved in a preventable type of accident within the past two years.
  - d. Not have a D.U.I. conviction within the past 3 years, regardless of the type of vehicle operated (company or private).
  - e. Not have had their driver's license suspended for traffic violations within the past three years. Insurance/overweight tickets are excluded.
  - f. Not have been terminated by a previous employer for failure to comply with safety regulations or for accident involvement.
3. (Optional) Be at least 23 years of age. The D.O.T. requirement is 21 years of age (391.11). An exception to the 23-year age limit may be approved by the Vehicle Safety Coordinator if the applicant is at least 21 years of age and meets the above criteria.
4. Have no more than one valid commercial driver's license issued by their state of legal residence (391.11).
5. Be able to determine whether the vehicle is safely loaded (391.11).
6. Pass a driver's road test (391.31). A "Certificate of Driver's Road Test" from a previous employer is not an acceptable substitute at COMPANY NAME HERE,
7. Read and speak English well enough to perform their job (391.11)

8. Pass a controlled substance abuse-screening test.
9. Not be disqualified to drive a commercial motor vehicle (391.15).
10. Not have a felony conviction within the past 5 years (391.15).
11. Have completed an approved application for employment (391.21).

B. Qualification Standards for “Regular” Drivers

COMPANY NAME HERE, requires that all drivers, including temporary and leased drivers, meet all qualifications and complete the same hiring process as regular drivers.

1. Application for employment (391.21):

The standard COMPANY NAME HERE employment application must be completed by driver applicants. The I-9 Employment Eligibility Form must also be completed by all applicants.

2. Commercial Driver’s License (CDL) (383)

The requirements for a CDL are shown in Appendix B. The applicant must show the CDL to the hiring manager and enter the license number on each form where it is required.

a. A copy of the CDL, Social Security Card, and the Physical Card must be placed in the qualification file,

b. The driver applicant must also sign a Certification of Compliance with the Commercial Motor Vehicle Safety Act of 1986.

3. Written Exam

As of January 1, 1995, the Written Exam is no longer required by D.O.T.

4. Drivers Road Test (391.3 1)

The Road Test is a very important element of the qualification process. A driver may “look good on paper,” but the Road Test proves their skills. This is the time to note the applicant’s driving ability for the employment decision or for additional training if they are hired.

a. Three items must be completed as a result of the Road Test. The “Record of Road Test” form and the “Certificate of Road Test” form must be completed and placed in the driver file.

b. A “Certificate of Driver’s Road Test” showing the applicant has a substitute certification acceptable to D.O.T. is not an acceptable substitute for COMPANY NAME HERE

5. Reference Checks (391.23)

In making a thorough background check, an inquiry must be made into the applicant’s past three years of employment. However, it may be necessary to go beyond the 3 years to get enough data to make a decision. While 3 years is the D.O.T. standard for references, it is the minimum requirement for COMPANY NAME HERE. If it is necessary, the hiring manager must go back for 10 years or more to develop the history of the applicant.

a. Effective January 1, 1995, employers must obtain written verification from previous employer(s) any controlled substance test results for the past two years. The company must have a written record of the employment reference.

6. Motor Vehicle Record (MVR) Check (391.23)

a. The D.O.T. also requires that the MVR must be checked for the past 3 years for every state where the applicant had a license.

b. The MVR check must be complete before the applicant is hired; however, DOT requires the check to be completed within 30 days after the driver is employed.

## 7. Physical Examination (391.43) and Drug Screen (391.81)

All drivers of commercial vehicles and applicants must pass a D.O.T. physical and drug screen. Unless certain medical problems become evident, the medical certificate is good for a 2 year period.

- a. Driver applicants must complete a physical examination and drug screen regardless of the period of time since their last tests. D.O.T. does not require a new physical examination or drug screen if the driver applicant has a current medical examiner's certificate.
- b. Driver applicants are given the Drug/Alcohol Abuse Policy. They also asked to sign an authorization and release of information from their physical examination and drug screen prior to having an appointment arranged with the Company Designated Physician.
- c. The examination and screen must be completed by a licensed physician who is familiar with D.O.T. regulations covering both procedures. Two certificates are issued by the doctor.
  1. A signed Medical Examiners Certificate for the driver's file and a Doctor's Examination Form.
  2. A Medical Examiners Certificate "Pocket Card" for the driver is also signed by the doctor.

## 8. Other Qualification Standards and Procedures

- a. The Vehicle Safety Coordinator review of the driver applicant file must be completed before a job offer is extended. All forms listed on the Driver Qualification File Summary must be completed and included.
- b. Authorization to log off-duty for meal stops must be issued to all drivers who operate a COMPANY NAME HERE vehicle. A copy is placed in the qualification file.
- c. Drivers' data sheet (391.8) certifies the drivers duty time for the 7 days immediately preceding their work for COMPANY NAME HERE . A copy of this form is placed in the qualification file.
- d. Certificate of Violations (391.27) must be completed by every driver applicant certifying a list of traffic violations for the past 12 months. This list is updated annually by COMPANY NAME HERE. A copy of this form is to be placed in the qualification file.

### C. Qualification Standards for Temporary Drivers

As previously noted, COMPANY NAME HERE , requires all drivers, including temporary and leased drivers, to complete all parts of the driver qualification procedure as if they were regular drivers. The D.O.T. qualifications are shown below for information purposes only. D.O.T. refers to temporary drivers as intermittent, casual, or occasional drivers (391.63). D.O.T. requires that these drivers must have several forms in their driver qualification file as follows:

1. Driver Data Sheet (395.8): Completed each time a temporary driver is hired to ensure compliance with hours of service regulations.
2. Driver's Physical Examination form (391.43): A valid Medical Examiner's Certificate issued to the driver within the past 24 months may be accepted instead of a current examination only if it was issued due to previous employment with COMPANY NAME HERE
3. Certificate of Driver's Road Test (391.33): A valid Certificate of Driver's Road Test issued to the driver within the past three years may be accepted instead of current test only if it was issued due to a previous employment with COMPANY NAME HERE
4. Driver Qualification File Summary Sheet for Temporary Drivers: COMPANY NAME HERE requires that all D.O.T. forms must be maintained on leased and temporary drivers as if they were regular drivers. Because of this requirement, a copy of the Temporary Driver Form is not included in this manual.

### D. Driver Qualifications for Continued Employment

1. Commercial Driver's License (CDL) (Part 383)

- a. Every driver must have one CDL in his or her resident state only. There is a form (Returned Driver's License) to assist drivers in returning any out-of-state traffic violations. (INSERT COMPANY NAME HERE) requires this notice within 30 days) after the violation (383.31). There is a form (Traffic Violations Notice) for the driver to complete this notification.

2. Medical Examination (391.45)

Drivers must be medically examined and certified at least every 24 months. If there is cause to believe that the driver may not be physically fit for duty, the Company may require an earlier examination. Any earlier examination must have the prior approval of the Vehicle Safety Coordinator/Store Manager.

3. Drug Screen (382 subpart C)

A driver may be required to take a controlled substance/alcohol test for any of five reasons. More information regarding controlled substances (i.e., testing is presented in Drug and Alcohol Testing Policy.

- a. Pre-employment (drug only).
- b. Reasonable Suspicion: Drivers will be required to take a test when the company requests it with good cause.
- c. Random: The company program must randomly test at least half of the drivers each year for drugs and 25% for alcohol.
- d. Post-Accident: Drivers involved in reportable accidents must be tested within 32 hours of the accident for drugs and 2 hours for alcohol.
- e. Return-to-Duty & follow-up: Drivers who are returned to work after successfully completing a COMPANY NAME HERE and storage approved rehabilitation program are subject to continued testing.

4. Certificate of Violations (391.27)

This document is to be completed by each driver every 12 months as required by D.O.T.

5. Motor Vehicle Record (MVR) Check (391.23)

An MVR will be obtained for each driver every 12 months, see Section 4 for criteria (D.O.T. requires annual checks).

6. Annual Review of Drivers' Safety Compliance (391-25)

At least once each 12 months, COMPANY NAME HERE is required to determine whether drivers meet minimum standards for safe driving.

- a. In reviewing a driving record, the motor carrier must consider any evidence that the driver has violated applicable provisions of the Federal Motor Carrier Safety Regulations, state, or local traffic laws.
- b. The review will include, as a minimum:
  1. The most recent MVR,
  2. The most recent biennial physical examination
  3. The driver's attendance record
  4. Performance improvement actions and correspondence
- c. A form must be in the driver's file to show that the review was completed.

E. Recruiting Guidelines for Drivers

One of the most important elements in an effective Fleet Safety Program is to select drivers from a pool of qualified applicants. This allows the hiring manager to be highly selective for both COMPANY NAME HERE and D.O.T. standards. When a tight labor market does not allow for a large pool of qualified applicants, additional recruiting techniques must be used to expand the driver applicant pool rather than relaxing hiring standards.

### III. Transportation Safety Program

#### A. Safety Rules

1. D.O.T. specifies many safety rules in the FMCSR (part 392). Drivers must be familiar with this part of the FMCSR and managers must inform them of the rules that affect them. Several of the key rules are.
  - a. Emergency Stops: After making an emergency stop (4-way flashers already activated) a driver must have the reflective triangles properly displayed within ten (10) minutes (D.O.T. requires 10 minutes). The parking brake must be set when the driver leaves the vehicle.
  - b. Reduced Speed for Weather: Drivers must use extreme caution when faced with hazardous weather conditions.
  - c. Requirements for Lights: All lights and reflectors are to be clean. Headlights are required 1/2 hour after sunset to 1/2 hour before sunrise; when it is raining; OR when there is not enough light to see clearly 500 ft.

#### B. Driver's Vehicle Inspection Report (DVIR) (396.11)

Drivers must complete a DVIR for their vehicle at the end of each day even on overnight trips. COMPANY NAME HERE tractors must also have a DVIR for each shift it is used within a 24-hour period. More DVIR information is included in Section VI.

#### C. Pretrip Inspection (392.7 and 396.13)

Drivers must sign the copy of the previous DVIR, which is left in the vehicle by the previous driver. They also must complete an inspection of the vehicle to be satisfied that it is in safe operating condition.

### IV. Accident Reports and Records

#### A. Reporting of Accidents (Part 394)

1. Reportable accidents: An occurrence involving a vehicle engaged in interstate, foreign, or intrastate operations of a motor carrier resulting in any one of the following:
  - a. The death of a person.
  - b. Bodily injury to a person who, as a result of the accident, received immediate treatment away from the scene of the accident.
  - c. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
2. Report all accidents to the Vehicle Safety Coordinator/Store Manager. Fill out the vehicle accident reporting kit maintained in each vehicle.
3. Driver Accident Reporting Procedure
  - a. Stop immediately.
  - b. Take steps to prevent more accidents at the scene.
  - c. Assist injured persons.

d. Upon request, provide your name and address, COMPANY NAME HERE name and address, and tag number of the vehicle.

e. Do not volunteer unnecessary information:

1. Do not discuss the accident with anyone except police officers.
2. Do not make derogatory comments.
3. Do not admit fault or mechanical failure.

f. Record the names and license plate numbers of all witnesses.

g. Protect your vehicle and cargo. Unless injured, or instructed to do so by your supervisor, do not leave the accident scene.

## B. Accident Investigation

All vehicle accidents must be investigated by Management regardless of the extent of injury or amount of damage.

1. The Vehicle Accident Investigation Report is used by Management to complete their investigation.
2. Accidents should be investigated at the scene whenever possible. All D.O.T. reportable accidents must have on-site investigation.
3. Driver Injuries: When a COMPANY NAME HERE driver is injured in a vehicle accident requiring hospital admission or resulting in an incapacity to return home unassisted, a member of management will take the fastest transportation available to be with the driver and ensure that the best medical attention is given and that the driver's family is notified.

## V. Hours of Service Requirements (49CFR – parts 385 and 397) – Last Change -6/30/2013

A. Hours Limitations (HOURS OF SERVICE REQUIREMENTS MAY NEED TO BE UPDATED IN THIS PARAGRAPH as the law changes - <http://www.fmcsa.dot.gov/regulations/title49/section/395.1>)

A motor carrier must not require or permit a driver to drive:

1. More than 11 hours within a 14-hour, non-extendable window from the start of the workday, following at least 10 consecutive hours off-duty. This is known as the 11-Hour driving rule. This means that after drivers have taken 10 consecutive hours (or more) off-duty, they are eligible for another 11-hour driving period, provided there is not a violation of the “60/70 hours in 7/8 days” limitations.
  - a. Rest breaks. After June 30, 2013, driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.
2. May not drive after 60/70 hours on duty in 7/8 consecutive days
  - A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off.
3. CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.

Most States have adopted the federal Hours of Service regulations – please verify for your state. However, the weekly on-duty aggregate limits may have been increased for intrastate drivers. Drivers may not drive after 70 hours on duty in 7 consecutive days if the motor carrier does not operate CMVs every day of the week. If the motor carrier operates CMVs every day of the week, drivers may not drive after 80 hours on duty in 8 consecutive days. Drivers who have been off duty for 24 or more hours may reset their calculation of the 70 hour/7day or 80 hour/8day weekly on-duty aggregate totals.

There are also NON CDL Short Haul exceptions see 395.1(o) for details. – you may not be required to keep a log but the company will be required to keep a time record for 6 months showing the times your duty period began and

ended and your total hours on duty for the day.

B. Preparing a Driver's Log – you are exempt if you drive under 100 mile radius.

1. The log is an hour-by-hour graph of the driver's activity for each day.
2. The log must be kept current and turned in to the management upon completion of each trip.
3. When delivering in a single town, a driver is authorized to lump all local delivery time together on line 4 and all local driving together on line 3. For example, if a driver makes deliveries in Athens, GA and spends 6 hours performing the task, the log entry might show:
  - a. Driving time from Atlanta to Athens (6 a.m. to 8 a.m.) is shown on line 3.
  - b. Off-duty (meal) 8 a.m. to 8:30 a.m. is shown on line 1.
  - c. Local delivery Athens, GA (8 a.m. to 1:30 p.m.) is shown on line 4, a total of 5 1/2 hours.
  - d. From 2:00 p.m. to 3:00 p.m., line 3 accounts for the total (one hour) of local driving in Athens, between the hours of 8 a.m. and 3:00 p.m. Using this method, the driver has accurately accounted for his/her time.
4. All entries must be made by the driver.
5. All required entries must be made on each log.
6. Each log's hours must add up to equal 24 hours.
7. The trip information numbers (load number or manifest number) must be put on logs daily.
8. If an hours violation occurs, it must be explained in the "Remarks" section of the log. This does not excuse the violation; however, it is required by D.O.T. The violation must not be resolved by falsifying the log.
9. All entries must be true and correct.

C. Other Hours of Service Requirements

1. 100-Mile Radius Driver

Under certain conditions drivers that normally operate within a 100-air mile radius of the work reporting location are exempt from making a daily log according to D.O.T. regulations. At COMPANY NAME HERE all drivers must complete a log regardless of their trip distance.

2. Recapping Hours

Even though this is not a D.O.T. requirement, a recap of hours is required for COMPANY NAME HERE, drivers. It is very difficult to keep track of drivers' available hours during a 7 consecutive day period without maintaining a recap chart for each driver. By subtracting the total duty hours for the last 7 days from 70 the driver will know how many hours are available for on-duty time the next day.

VI. Inspection, Repair & Maintenance (Part 396)

A. Inspection, Repair, and Maintenance Records

Generally, motor carriers must see that maintenance reports are kept on each commercial motor vehicle. Records must include:

1. An identification of the vehicle including company number, make, serial number, year, and tire size. Also, if the carrier does not own the vehicle, the records must show the name of the person providing the vehicle.
2. A systematic method to show the type and due date of the various inspections and maintenance operations to be performed.
3. A record of inspection, repairs, and maintenance showing date and type.



4. A lubrication record.

## B. Periodic Inspection

Every commercial motor vehicle must have an annual inspection (396.17).

1. The annual inspection requirement can be met through a periodic inspection program of a state (provided D.O.T. accepts the state inspection methods), by a motor carrier's self-inspection, by a roadside inspection, and by inspection performed by a commercial garage or a similar commercial business.
2. COMPANY NAME HERE must assure that the inspection of its vehicles is comparable to the federal standards. Our inspectors must be qualified by virtue of training and/or experience, as specified by D.O.T., to conduct commercial vehicle inspections. Since our vehicles will be inspected by company employees, we must have evidence of the inspector's qualifications on file.
3. The original of the inspection record must be kept on file for one year and a copy of the inspection must be carried in the vehicle.
4. A lubrication record.

## C. Driver's Vehicle Inspection Reports (DVIR)

This written report must be completed at the end of each day's work on each vehicle operated. The report must be prepared, signed and dated by the driver. If two drivers are on the vehicle, only one needs to sign the report. The following must be accomplished:

1. The original DVIR is turned in with their paperwork at the days end.
2. If defects that would affect safe operation are reported, the person making the repairs must sign the original and the truck copy of the inspection report. The next driver must sign the truck copy of the report to verify that the repairs were accomplished.
3. A copy of the latest DVIR must be kept in the vehicle and the next driver must sign the vehicle copy during their pretrip inspection.

## D. Parts & Accessories Required (Part 393)

Every motor carrier, its officers, agents, drivers, representatives, and employees involved with the maintenance of equipment must understand and obey the rules of Part 393. A motor carrier must assure that a vehicle is properly equipped prior to operation. Any vehicle purchased must be equipped in accordance with these requirements and the D.O.T. manufacturing standards for vehicles as prescribed in 49 CFR, Chapter V, National Highway Traffic Safety Administration. Specific requirements for the following equipment are contained in the subparts of 393:

1. Lighting devices, reflectors, and electrical equipment.
2. Brakes (including equipment, performance, parking brake).
3. Glazing and window construction.
4. Fuel system.
5. Coupling devices and towing methods.
6. Miscellaneous parts and accessories.
7. Emergency equipment, i.e., fire extinguisher, reflective triangles, etc.
8. Protection against shifting or falling cargo.

## VII. Other D.O.T. Requirements

### A. D.O.T. Audits

1. One of the Fleet Safety objectives is to meet or exceed the compliance requirements of D.O.T. Even if COMPANY NAME HERE does exceed the D.O.T. requirements, it is possible

to have an audit for any of the reasons below:

- a. A carrier without a D.O.T. safety rating
- b. A written complaint (D.O.T. is required not only to investigate the complaint, but they must report their findings to the complainant)
- c. A serious preventable type accident
- d. A less than satisfactory safety rating
- e. An excessive number of accidents

#### B. Insurance (part 387)

This part prescribes the minimum levels of financial responsibility (insurance) required to be maintained by motor carriers of property that operate motor vehicles in interstate, foreign, or intrastate commerce.

1. Section 387.7(e) reads as follows: "The proof of minimum levels of financial responsibility required by this section shall be considered public information and be produced for review upon reasonable request by a member of the public."

## Appendix A

### D. O. T. Definitions

#### 1. Alcohol or Alcoholic Beverage:

- a. Beer as defined in 26 U.S.C. 5052 (a), of the Internal Revenue Code of 1954.
- b. Wine of not less than one-half of one percent of alcohol by volume.
- c. Distilled spirits as defined in section 5002 (a) (8), of such Code.

#### 2. Commercial Driver's License (CDL):

A license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR Part 383, to an individual which authorizes the individual to operate a class of a commercial motor vehicle.

#### 3. Commercial Motor Vehicle:

Any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:

- a. The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds.
- b. The vehicle is designed to transport more than 15 passengers, including the driver.
- c. The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the secretary under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813).

#### 4. Conviction:

An unvacated adjudication of guilt, or a determination that a person has violated the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail deposited to secure the person's appearance in court, a plea of guilt or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

**5. Driver:**

Any person who operates any commercial motor vehicle.

**6. Employee:**

- a. Any driver of COMPANY NAME HERE commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle).
- b. A mechanic.
- c. A freight handler.
- d. Any individual, who is employed by an employer and who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any agency established under a compact between States and approved by the Congress of the United States who is acting within the course of such employment.

**7. Employer:**

Any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any State, political subdivision of a State, or an agency established under a compact between States approved by the Congress of the United States.

**8. Felony:**

An offense under State or Federal law that is punishable by death or imprisonment for a term exceeding 1 year.

**9. Gross Combination Weight Rating (GCWR):**

The value specified by the manufacturer as the loaded weight of a combination articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

**10. Gross Vehicle Weight Rating (GVWR):**

The value specified by the manufacturer as the combined weight of the motor vehicle plus its load.

**11. Hours of Service Terms:**

**a. On Duty Time:**

All time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. The term "on-duty" time shall include:

1. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
2. All time inspecting equipment as required by FMCSR or otherwise inspecting, servicing, or conditioning any motor vehicle at any time.
3. All driving time as defined in paragraph (b) of this section.
4. All time, other than driving time, in or upon any motor vehicle, except time spent resting in a sleeper berth as defined in paragraph (f) of this section.
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time spent performing the driver requirements of FMCSR relating to accidents.
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

8. Performing any other work in the capacity of or in the employ or service of, a common, contract, or private motor carrier.
9. Performing any compensated work for any non-motor carrier entity.

**b. Driving Time:**

The term “drive” and “driving time” shall include all time spent at the driving controls of a motor vehicle in operation.

**c. Seven Consecutive Days:**

The period of seven consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

**d. Eight Consecutive Days:**

The period of eight consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

**e. Twenty-Four (24) Hour Period:**

Any 24 consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

**f. Sleeper Berth:**

A berth conforming to the requirements of FMCSR.

**g. Driver-Salesman:**

Any employee who is employed solely as such by a private carrier for property by motor vehicle, which is engaged both in selling goods, services, or the use of the goods, and in delivering by motor vehicle the goods sold or provided or upon which the services are performed, who does so entirely within a radius of 100 miles of the point at which he reports for duty, who devotes not more than 50 percent of his hours on duty to driving time. The term “selling goods” for purposes of this subsection shall include in all cases solicitation or obtaining of reorders or new accounts, and may also include other selling or merchandising activities designed to retain the customer or to increase the sale of goods or services in addition to solicitation or obtaining of reorders or new accounts.

**h. Multiple Stops:**

All stops made in any one village, town, or city, may be computed as one. Note: Driving time between the multiple stops in one city or village must be shown even though all stops can be logged as one on the bottom line.

**12. Intermittent, Casual, or Occasional Driver:**

A driver who in any period of seven-consecutive days is employed or used as a driver by more than a single motor carrier. The qualification of such a driver shall be determined and recorded in accordance with the provisions of FMCSR.

**13. Interstate Commerce:**

Trade, traffic, or transportation in the United States which is between a place in a state and a place outside of such state (including a place outside the United States) or is between two places in a state through another state or a place outside of the United States.

**14. Intrastate Commerce:**

Any trade, traffic, or transportation in any state which is not described in the term “interstate commerce.”

**15. Motor Carrier:**

A for-hire motor carrier or a private motor carrier of property. The term “motor carrier” includes a motor carrier’s agents, officers, and representatives as well as employees

responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of Subchapter B, the definition of “motor carrier” includes terms “employer” and “exempt motor carrier.”

**16. Motor Vehicle:**

Any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electrical power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

**17. Person:**

Any individual, partnership, association, corporation, business trust, or any other organized group of individuals.

**18. Principal Place of Business:**

A single location designated by the motor carrier, normally its headquarters, where records required by the FMCSR will be maintained. Provisions may be made for maintaining certain records at locations other than the principal place of business.

**19. Private Motor Carrier of Property:**

A person who transports, by motor vehicle, property of which that person is the owner, lessee or bailee; such transportation for the purpose of sale, lease, rent, bailment, or in the furtherance of any commercial enterprise other than transportation.

**20. Regional Director:**

The Regional Director, Office of Motor Carrier Safety, for a given geographical region of the United States.

**21. Regularly Employed Driver:**

A driver who, in any period of seven consecutive days, is employed or used as a driver solely by a single motor carrier.

**22. Serious Traffic Violation:**

When operating a commercial motor vehicle, a conviction for:

- a. Excessive speeding. Note: D.O.T. defines excessive speeding as 15 mph above the posted speed limit.
- b. Reckless driving, as defined under state or local law.
- c. A violation of a state or local law relating to motor vehicle traffic control (other than a parking violation) and arising in connection with a fatal accident. (Serious traffic violations exclude vehicle weight and vehicle defect violations.)

**23. State:**

A state of the United States and the District of Columbia.

**24. State of Domicile:**

State where a person has his/her true, fixed, and permanent home.

**25. Temporary Drivers:**

Any drivers employed for less than 7 days.

## Appendix B

### Commercial Driver's License Standards

#### (Part 383)

The FMCSR has standards in Part 383 that establish the minimum testing and licensing requirements for the National Commercial Driver License (CDL) programs of the states as required by the Commercial Motor Vehicle Safety Act of 1986 (CMVSA). Congress mandated MS-DOT, FHWA to develop and implement the standards.

#### Applicability:

Effective April 1, 1992 all commercial vehicle drivers subject to the requirements must be licensed in accordance with the standards.

#### Drivers Affected:

Any COMPANY NAME HERE employee driver, contract driver (over 90 days/year), transportation maintenance employee, yard hostler, supervisor, or other employee who may be required to drive a commercial motor vehicle as described below will be required to maintain a CDL.

1. A single motor vehicle with a manufacturer's Gross Vehicle Weight Rating of 26,000 or more.
2. A trailer with a GVWR of more than 10,000 pounds if the Gross Combination Weight Rating is more than 26,000 pounds.
3. Any size vehicle which requires hazardous materials placards.

#### Vehicle Groups:

Group A - Combination: Any single unit vehicle combination with a GCWR of 26,001 pounds or more. Drivers qualifying under Group A will be authorized to operate vehicles in Groups B and C.

Group B - Heavy Straight: Any single unit vehicle with a GVWR of 26,000 pounds or less, or any such vehicle towing a vehicle not in excess of 10,000 pounds. This group also covers the licensing of persons transporting placarded hazardous materials in small vehicles.

#### Endorsements:

In addition to the basic license, a driver may obtain an endorsement that will allow operation of:

1. Double/triple trailers.
2. Tank vehicles.
3. Hazardous materials vehicles.
4. Air brake equipped vehicle.
5. Combination vehicle.

#### Testing:

Drivers will have to take one or more knowledge tests, depending upon the class of license and the endorsements needed. If drivers pass the knowledge tests, they can then take the skills test. There are three types of CDL skills tests:

1. The pre-trip inspection test.
2. Basic control skills test.
3. The on-road test.

Drivers must take these tests in the type vehicle they will be licensed for. Most states will not furnish the vehicle for testing.

## Licensing Procedures:

To obtain an initial CDL the applicant must:

1. Certify that they are qualified under Part 391 of the FMCSR.
2. Obtain a CDL from the state of domicile (this is the state in which the driver files taxes and claims residence).
3. Pass the knowledge and skills tests.
4. Certify that the road test vehicle is representative of the type to be driven.
5. Certify that they have lost driving privileges and do not have more than one license.
6. Apply for a new CDL within 30 days when moving to another state.
7. A driver may upgrade to a higher class of license in accordance with state requirements.