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Idealease Safety Bulletin

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ARE YOUR DRIVERS FIT FOR THE ROAD?

During the past week, there has been considerable amount of press regarding the physical qualifications and conditions of commercial truck drivers. The FMCSA yesterday was scolded by the House Transportation and Infrastructure Chairman, James Oberstar regarding the lack of progress in implementing rules to ensure that "unfit" drivers are kept off the highways in commercial vehicles. Earlier this week, the press released a number of articles indicating that hundreds of thousands of drivers carry commercial truck licenses despite the fact that they are also qualifying for federal disability payments for medical conditions. The National Transportation Safety Board as well as the has stated that through their investigation of fatal accidents that it is actually unusual in their investigation if there is not some questions regarding a commercial drivers medical qualification.
It is obvious that we will be seeing changes to the regulations in the future to driver qualifications but what can you do to protect your company's liability exposure from hiring an unfit driver?

Truck Driver Appreciation Week
August 24 - 30, 2008.
Make your plans now to recognize your drivers. Show them how much you appreciate the work they do everyday.

CVSA Brake Safety Week
September 21- 27, 2008. The CVSA will be completing additional education and enforcement during this week.

Here are a few suggestions:

1. Require all drivers to have physical examinations completed by a company doctor who is knowledgeable of the FMCSA regulations regarding physical qualifications of drivers and the job requirements.
2. Do not accept current physical forms from driver applicants and require them to go to your company doctor.
3. Review the long form physical for each of your drivers. Do not accept a medical card only for qualification.
4. Track all of your driver's medical qualifications for expiration and provide the driver a 30 day notice of expiration. Do not rely on the driver to make sure the medical certification is renewed. Remove drivers from service immediately who do not have a current medical qualification on file.
5. Develop job descriptions and job requirements for all positions based on actual requirements of the job.
6. Administer structured check rides, at least annually, to all drivers to access the driver's skills and abilities.
7. Develop a continuing relationship with all drivers to keep an open line of communication regarding the driver's ability to complete their driving responsibilities safely.
8. Implement a driver wellness program to promote a healthy lifestyle.
9. Provide driver training on work related injury prevention.
10. Retain a labor attorney to review your policies and procedures regarding a driver's physical qualifications.

What do the FMCSA regulations say about my driver who has a current medical certificate but has developed a medical condition that would make the operation of a commercial motor vehicle (CMV) questionable and possibly unsafe?
FMCSA regulations prohibit a driver from beginning or continuing to drive if their ability and/or alertness is impaired by: fatigue, illness, or any cause that makes it unsafe to begin (continue) to drive a commercial vehicle.

Even if a driver currently has a valid medical certificate, the driver is prohibited from driving a CMV with any medical condition that would be disqualifying or may interfere with the safe operation of a CMV. Once a disqualifying medical condition is resolved, and before resuming operation of CMV, a driver is responsible for obtaining re-certification from a Medical Examiner. FMCSA CFR 391.45

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