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SAFETY BULLETIN



January 12, 2018

Time to Finalize Your Accident Documentation for 2017

All motor carriers operating CMV's over 10,000 lbs MGVWR, transporting HM in placardable quantities or transporting passengers are required to record accidents on a register by calendar year. Even if no accidents were incurred by the motor carrier, an accident register is required.

First, we need to establish the definition of an accident. According to the Federal Motor Carrier Safety regulations the definition of an accident is as follows:

An occurrence involving a commercial motor vehicle (>10,000 lbs MGVWR, HM or Passengers) operating on a highway in interstate or intrastate commerce which results in:

1. A fatality;
2. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
3. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.



The term accident does not include:



FMCSA Cautions Against using Expired MCS-150 Forms

The Federal Motor Carrier Safety Administration (FMCSA) announced it will no longer accept expired paper versions of the MCS-150, MCS-150B, and MCS-150C as of February 4, 2018.

The agency is directing companies to update forms with an expiration date of 4/30/2018. FMCSA noted it will accept system-generated forms prepared by MCMIS. Companies may also update their US DOT registration online with their USDOT PIN.

1. An occurrence involving only boarding and alighting from a stationary motor vehicle.
2. An occurrence involving only the loading or unloading of cargo.

When an accident by the definition above occurs, the accident is required to be recorded on an accident register with the following information on the register:

1. Date of accident.
2. City or town where the accident occurred and the State where the accident occurred.
3. Driver's Name.
4. Number of injuries.
5. Number of fatalities.
6. Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident were released.



Motor carriers are required by regulation to maintain an accident register for **three years** after the date of each accident.

In addition to the register, the motor carrier is required to maintain copies of all accident reports required by State or other governmental entities or insurers.

The accident register is not required to be sent to the FMCSA or State, but kept as part of your record keeping for the FMCSA to review during a compliance review or investigation.

As a "Best Practice" it's recommended that the motor carrier maintain two accident registers by calendar year:

1. DOT Recordable accidents only.
2. Non-DOT Recordable accidents.

The reasoning behind this practice is to provide the FMCSA on the information requested in a compliance review, and no more.



By having a second register with all accidents and incidents recorded the motor carrier can actively perform analysis of the losses and implement training to proactively reduce the frequency.

Accident registers can be kept electronically with a hard copy printed for the FMCSA upon request.

So where can I go to make sure that what I have on my register matches with the FMCSA?

- You can view all of your recordable accidents on the FMCSA Compliance, Safety and Accountability (CSA) Safety Measurement System (SMS) site. [Click Here](#)

CSA Game Plan Coming Soon, FMCSA Official Says

The Federal Motor Carrier Safety Administration (FMCSA) will soon release its plan to overhaul the Compliance, Safety, Accountability (CSA) scoring system, the agency's chief of enforcement announced on January 9.

Upgrading the CSA Safety Measurement System (SMS) will be a multi-year process, said Joe DeLorenzo, director of FMCSA's Office of Compliance and Enforcement, speaking at the 2018 Annual Meeting of the Transportation Research Board in Washington, D.C.

The revision plan is overdue; Congress asked the FMCSA to have it done by December 5th. It's expected to describe how the agency will implement recommendations issued last year by the National Academy of Sciences (NAS).

Among the recommendations are better data collection and use of a new statistical model known as Item Response Theory (IRT), which is sometimes used to grade hospitals and schools but has never been used in the transportation sector, DeLorenzo said.

Fed the right data, the IRT model can be used to assess a motor carrier's overall "safety culture," he said.

"We're not trying to predict crashes," he added, "but we are trying to identify those behaviors that carriers engage in that can lead to crashes."

The IRT model incorporates many of the existing elements of the SMS but is more transparent and - like the SMS - can be used to monitor and identify carriers for interventions, DeLorenzo said.



DOT Issues Clarification for Drivers Using Legal Prescriptions and the Medical Review Officer (MRO) during a Positive Controlled Substance Test

QUESTION OF THE WEEK ?

Question of the Week:

During the verification interview, the MRO may learn about a legally prescribed medication that would likely make the employee medically unqualified or would likely pose a significant safety risk. Section 40.135(e) requires the MRO to tell the employee to have his/her prescribing physician contact the MRO to discuss the MRO's concern about the medication. If the prescribing physician does not speak with the MRO within 5 business days of the MRO informing the employee to have his/her prescribing physician contact the MRO, the MRO will report the information about the legally prescribed medication to the appropriate third party. Can the MRO report that information to a third party before 5 business days have elapsed?

Answer:

- Yes, there could be instances where the MRO would not have to wait the 5 business days to report the information, for example:
 - The prescribing physician speaks with the MRO before 5 business days have elapsed and the significant safety risk remains unresolved.
 - The employee expressly declines to have his/her prescribing physician speak with the MRO.

FMCSA Offers Search Tools while National Registry is being Fixed.

The National Registry of Certified Medical Examiners website is currently unavailable, leaving drivers and motor carriers wondering how they can verify a Medical Examiner's (ME's) status.

As the Federal Motor Carrier Safety Administration (FMCSA) works to restore services, it has created a new search tool to assist stakeholders.

Instructions to drivers and motor carriers:

- The search tool requires users to enter the ME's National Registry number. Certified MEs receive a National Registry number when authorized to conduct the commercial motor vehicle (CMV) driver examination.
- Drivers and employers looking for a certified ME to perform a driver physical must contact the healthcare professional directly and ask for the registry number to enter into the tool.
- For completed exams, employers may obtain the ME's National Registry number from the Medical Examiner's Certificate, Form MCSA-5876, that is submitted by the driver.

Instructions to MEs:

- Certified MEs are able to continue conducting physical qualification examinations of CMV drivers and issuing paper Medical Examiner's Certificates, Form MCSA-5876, to qualified drivers. MEs should segregate all examinations completed during the outage and be prepared to upload them to the National Registry system, with no penalties, when it is back online. All certified MEs will be notified by FMCSA once the system is available.

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