



SAFETY BULLETIN



December 22, 2017



FMCSA Updates on ELD and HOS Rules, Exemptions, Waivers, and Guidance

As of Monday, December 18, 2017, the Electronic Logging Device final rule has gone into effect, although out-of-service orders will not be issued for non-compliance until April 1, 2018. Here is the latest from the Federal Motor Carrier Safety Administration on other ELD and hours of service implementation issues:

1. **90-Day Waiver for Transporters of Agricultural Commodities** The FMCSA has granted a [90-day waiver](#) from the ELD mandate for motor carriers transporting agricultural commodities (as defined in [49 CFR § 395.2](#)). The waiver is in effect until March 18, 2018. The ELD waiver applies regardless of the distance traveled. To be eligible to use the waiver, carriers must have a satisfactory fitness rating and keep a copy of the waiver in their vehicles. Drivers must complete paper Records of Duty Status, if applicable, and carriers must comply with all other Federal Motor Carrier Safety Regulations.

2. **Proposed Guidance on Transportation of Agricultural Commodities**

The FMCSA has published proposed [guidance](#) to clarify the applicability of the "agricultural commodity" exception in the [49 CFR 395.1\(k\)\(1\)](#) to the driver hours of service regulations, and requests public comments.



3. This proposed regulatory guidance would clarify the exception with regard to: (1) drivers operating unladen vehicles traveling either to pick up an agricultural commodity, as defined in 49 CFR 395.2, or returning from a delivery point; and (2) drivers engaged in trips beyond 150 air-miles from the source of the agricultural commodity.

In addition, the agency seeks public comment on (1) whether grain elevators and/or livestock sale barns should be considered a "source" of agricultural commodities under section 395.1(k)(1); and (2) how the



Federal ELD Mandate FAQ's

The FMCSA has published Frequently Asked Questions for the ELD regulation that can be found on the FMCSA website: <http://www2.idealease.com/e/36492/uently20Asked20Questions-0-pdf/5fcm3h/610629414>

Idealease held the fourth of their ELD Webinars on December 6th to facilitate preparation for ELD Mandate compliance. [Click here](#) to view a recording of this webinar.

Weather and Road Conditions Link:

The FHWA's web site: [http://www2.idealease.com/e/36492/trafficinfo-index-](http://www2.idealease.com/e/36492/trafficinfo-index-htm/5fcm3m/610629414)

[htm/5fcm3m/610629414](http://www2.idealease.com/e/36492/trafficinfo-index-htm/5fcm3m/610629414) contains links to information on weather and road conditions and the availability of travel web sites and 511.



exception should apply when agricultural commodities are loaded at multiple sources during a trip.

4. **Proposed Guidance on Use of CMV for Personal Conveyance** The FMCSA has issued proposed revision to its [guidance](#) on the use of commercial motor vehicles for personal conveyance. The proposed guidance would remove the requirement that the CMV must be unladen for the driver to record the time as “off duty.” This will allow drivers of straight trucks to use the personal conveyance exemption in addition to drivers of combination vehicles, who may unhook the trailer to make a personal conveyance trip as off duty time.

Medical Examiner Website is Down Indefinitely

The National Registry of Certified Medical Examiners website is currently down. This is the Federal Motor Carrier Safety Administration’s website to find a certified medical examiner for CMV drivers. FMCSA states that it is aware of the issue and is working on a solution to remedy the situation. Once the site returns to service, a notification will be sent to all Certified Medical Examiners. The FMCSA suggests drivers and carriers continue to visit the site periodically to determine availability.

Although the website is down, certified medical examiners can continue conducting physical qualification examinations of CMV drivers. Medical examiners should hold all examinations completed during the outage and upload to the National Registry system when it is back online with no penalties.

FMCSA Plans Final Rule on Diabetes Standards in February 2018

According to the Department of Transportation’s [regulatory agenda](#) published last week, the Federal Motor Carrier Safety Administration plans to issue a final rule in February 2018 to allow drivers with insulin-treated diabetes mellitus to operate commercial motor vehicles in interstate commerce without seeking an exemption from the FMCSRs. The stated deadline is not mandatory, however; it merely sets out the agency’s intent for when it will publish the rule.

This rulemaking was required by Congress in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Question of the Week:

How long do I have to keep records and documents that are required by the Federal Motor Carrier Safety Regulations?



ANSWER:

It depends on which documents we are talking about. The record retention requirements vary greatly. I have summarized the retention requirements by subject to allow you to easily follow. I have also indicated the section of the regulation where the record retention requirements are located.

Regulation	Document	Retention Period
Driver Qualifications CFR 391		
391.51 (c)	Complete driver qualification file	3 years after date of termination
391.51 (d)	Driver Applications	3 years after date of termination

391.51 (d)4	Medical Certificate and long form	3 years from date of termination
391.51 (d)2	Annual Review	3 years from date of termination
391.51 (d)3	Certification of violations	3 years from date of termination
391.51 (d)5	Physical waiver	3 years from date of termination
391.51 (d)1	Annual motor vehicle record (MVR)	3 years from date of termination
391.51 (d)1	Initial MVR at time of hire	3 years after date of termination

Drug and Alcohol Testing Records

382.401 (b)(1)(i)	Records of Alcohol tests with .02 or greater result	5 years
382.401 (b)(1)(ii)	Records of driver verified positive controlled substance test results	5 years
382.401 (b)(1)(iii)	Documentation of refusals to take alcohol and/or drug test	5 years
382.401 (b)(1)(iv)	Driver evaluations and referrals	5 years
382.401 (b)(1)(v)	Calibration documentation to testing devices	5 years
382.401 (b)(1)(vi)	Administrative records of the Alcohol controlled substance testing program	5 years
382.401 (b)(1)(vii)	A copy of each annual calendar year summary required by 382.403 (only those carriers selected)	5 years
382.401(2)	Records relating to the alcohol and controlled substance collection process	5 years
382.401(3)	Record of negative and cancelled controlled substance results and alcohol tests with a concentration of less than .02	5 years
382.401(4)	Records related to education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which	5 years

require the training
for 2 years after
ceasing to perform
these functions

Hours of Service Documentation

395.8 (k) Record of duty status
and all supporting 6 months
documents, and time
records

Accident Records

390.15 (b) Accident Register 3 years after the date
and Files of each accident

Inspection and Maintenance

396.3 (c) Maintenance files as 1 year plus 6 months
required by 396.3 (b) after vehicle leaves
carriers control

396.9 (d)(3)(ii) Copy of roadside 12 months
inspections

396.11 (c)(2) Daily vehicle 3 months
inspection report

396.19 (b) Annual inspector During employment
certification and 1 year thereafter

396.25 (e) Brake inspector During employment
certification and 1 year thereafter

Have you prepared your terminal facility for upcoming holidays?

With two upcoming long holiday weekends it is not uncommon for thieves to target truck terminals and truck dealerships over the holidays. Thieves know it is a good opportunity for a successful theft as the possibility exists for no one to be at the facility. Make sure that you take extra precaution to secure the trucks and items of value at your facility. If your units do not have anti-siphon devices or locking caps, instruct the drivers not to fill the units at the end of the day. Make sure that all security alarms and cameras are in working order. Walk the perimeter of the lot to make sure that security fencing is in good condition. Move units and all other material such as pallets, tires, etc far enough away from the fence so they cannot be used to climb on to get over the fence. Review your security lighting to make sure it is operational and adequate. Lighting can be obstructed by vehicles or trees allowing a thief a place to be unseen. Consider blocking the entrance and exits to the lot so units cannot be stolen. Throughout each weekend assign management personnel to check the terminal randomly. Notify local law enforcement officials of your hours of operation over the holidays, so they know when to expect activity at your location. Using a little prevention and common sense can deter a thief from striking your facility and disrupting your business!

New Year's Resolutions

Each January, roughly one in three Americans resolve to better themselves in some way. A much smaller percentage of people make good on those resolutions. While about 75% of people stick to their goals for at least a week, less than half (46%) are still on target six months later, a recent study found.



It's hard to keep up the enthusiasm months after you've swept up the confetti, but it's not impossible. This year, pick one of the following 5 worthy resolutions, and stick with it. Here's to your health!

Lose weight: Use a food journal to keep track of what you eat and have a

support system in place. Typically, around week four to six people begin to make excuses. That's why it's important to have someone there on a regular basis to get you through those rough times.

Quit smoking: Fear that you've failed too many times to try again? Talk to any ex-smoker, and you'll see that multiple attempts are often the path to success.

Try different methods to find out what works. And think of the cash you'll save!

Cut your stress: A little pressure now and again won't kill us; in fact, short bouts of stress give us an energy boost. But if stress is chronic, it can increase your risk of—or worsen— insomnia, depression, obesity, heart disease, and more.

Long work hours, little sleep, no exercise, poor diet, and not spending time with family and friends can contribute to stress.

Cut back on alcohol: Drinking alcohol in excess affects the brain's neurotransmitters and can increase the risk of depression, memory loss, or even seizures.

Chronic heavy drinking boosts your risk of liver and heart disease, hypertension, stroke, and mental deterioration, and even cancers of the mouth, throat, liver, and breast.

Get more sleep: You probably already know that a good night's rest can do wonders for your mood—and appearance. But sleep is more beneficial to your health than you might realize.

A lack of sleep has been linked to a greater risk of obesity and type 2 diabetes. And sleep is crucial for strengthening memories (a process called consolidation).

So take a nap—and don't feel guilty about it.

Idealease would like to wish all of you a Safe and Joy filled Holiday Season and a Prosperous New Year! You will receive your next Idealease Safety Bulletin on January 12, 2018.

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