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SAFETY BULLETIN



March 16, 2018

Navigating Safety and Compliance in 2018

Idealease and the National Private Truck Council NPTC will again be hosting safety seminars in 2018. The one day seminar this year will focus on the new Electronic Logging Device (ELD) regulation, basic safety and compliance, regulation changes and CSA. The seminars will be provided to all Idealease customers, potential customers and NPTC members at no charge. The seminar provides important information applicable for both the novice and experienced transportation professionals. To register for an upcoming seminar in 2018 [Click Here.](#)

Driver Background Investigations

What inquiries are required to be completed, by the FMCSA regulations, for a driver who has applied to drive a commercial motor vehicle (>10,000lbs MG VWR) for a motor carrier?

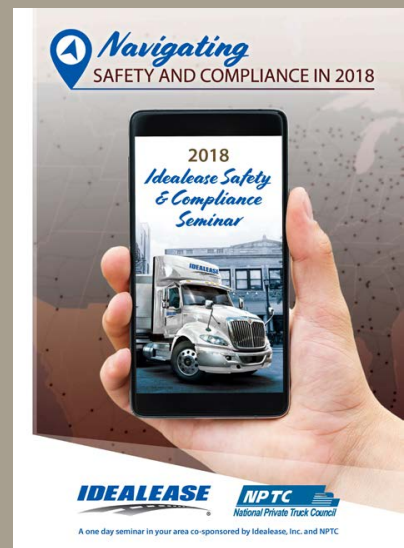
Answer: CFR 391.23 addresses the inquiries and investigations that are to be completed by a motor carrier into a new driver's past. Not only are past employment inquiries and investigations required by the FMCSA, they are instrumental in providing liability protection.

1. Motor Vehicle Record (MVR)

The regulations require that an inquiry be made into the driver's driving record to the appropriate state agency for the preceding three years to the date of application. In essence, a Motor Vehicle Record is required for each driver applicant including three years of driving history and must be obtained within 30 days of the date of the driver's employment.

2. Past Employment Investigations

The regulations outline that an investigation of the driver's safety performance history be made to all Department of Transportation regulated employers who employ the driver in the preceding three years to the date of application. This



investigation may consist of personal interviews, letters, fax, e-mails, telephone interviews or a third party. A written record must be made of the investigation and the results and placed in the driver qualification file for each past employer who was regulated. The investigation must include general driver identification and employment verification information and all DOT recordable accidents that have occurred during the last three years to date of application.

3. Drug and Alcohol Inquiry

After obtaining a signed release from the driver applicant the employer is required to make an inquiry to all previous DOT regulated carriers in the three years preceding the date of application whether the driver has violated the alcohol and or controlled substance prohibitions under CFR 382 or title 40. The inquiry will specifically request the following:

1. Did the driver applicant have an alcohol test with a result of 0.04 or higher?
2. Did the driver applicant have a positive drug test?
3. Did the driver applicant refuse to be tested?
4. Did the driver applicant have any other violations of the DOT agency drug and alcohol testing regulations?



4. Driver Applicant Drug and Alcohol Inquiry

As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section).

A Driver has the right to review information provided by previous employers.

1. The right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the prospective employer.
2. The right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and the driver cannot agree on the accuracy of the information. Refer to CFR 391.23 for additional information on the driver's right to review and dispute the information and the time limits involved.

Spring Seminars (March-May)

3/21/2018	Upper Marlboro, MD
3/22/2018	Baltimore, MD
4/3/2018	Wausau, WI
4/4/2018	Madison, WI
4/10/2018	St. Louis, MO
4/11/2018	Indianapolis, IN
4/12/2018	Memphis, TN
4/12/2018	Columbus, OH
4/24/2018	Columbia, SC
4/25/2018	Atlanta, GA
4/25/2018	Toledo, OH
4/26/2018	Tampa, FL
4/26/2018	Lancaster, PA
5/1/2018	Ft. Lauderdale, FL
5/2/2018	Ft. Myers, FL
5/8/2018	Tukwila, WA
5/10/2018	Aurora, CO
5/10/2018	Lexington, KY
5/15/2018	Detroit, MI
5/22/2018	San Leandro, CA

Fall Seminars (Sept-Oct)

9/26/2018	Houston, TX
TBD	Moncton, NB
TBD	Northern CA
TBD	Northern CA
TBD	Nashville, TN
TBD	Dallas, TX
10/16/2018	Kansas City, MO
10/25/2018	Oklahoma City, OK
TBD	Modesto/Turlock, CA

Are You Using the FMCSA PSP Screening Program

The Pre-Employment Screening Program (PSP) is a screening tool that allows motor carriers and individual drivers to purchase driving records from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available for 24 hours a day via the PSP website.

Motor Carriers and drivers can enroll in the PSP program by [Clicking Here](#) and going to the FMCSA PSP website.



All 50 States have "**Move Over**" laws to protect law enforcement officers and other first responders stopped on our Nation's roads. Yet, **many of our drivers are unaware of these laws** ... and traffic-related incidents continue to be the number one cause of death among on-duty law enforcement officers.

Therefore, together with our law enforcement partners and State highway safety offices, NHTSA is working to increase awareness of these life-saving "**Move Over**" laws and highlight the need to protect public safety professionals who place themselves at risk to protect motorists.

By working with local organizations and raising public awareness of "**Move Over**" laws through earned and social media, you can make a difference and save lives.

[Click Here](#) and get your new 2018 campaign materials now.



Are You One of the Lucky Ones Selected to Complete the MIS Form?

Each March the Federal Motor Carrier Safety Administration (FMCSA) collects data from employers on DOT drug and alcohol testing from the previous calendar year. However, not all motor carriers are required to submit data to FMCSA - only those selected for the agency's sampling.

How do we know if we are selected?

An employer is notified during the month of January if it was selected to prepare the Management Information System (MIS) form which summarizes the carrier's alcohol and drug testing results under 49 CFR Part 382. The MIS form must be submitted to the location that the FMCSA specifies in its request by March 15 in accordance with Section 382.403.

The MIS form and instructions are used by all



DOT modes for an annual summary report so it appears in Appendix H to Part 40. The form is also provided by DOT in an electronic format.

What if we use a consortium to maintain our program?

A service agent, such as a consortium/third-party administrator, may prepare the MIS report on behalf of a motor carrier. But a company official from the motor carrier, such as the designated employer representative, must certify the accuracy and completeness of the MIS report, no matter who prepares it.

Is the MIS form used any other time?

Yes, the MIS form is also completed when a motor carrier is asked to do so by the Secretary of Transportation, any DOT agency, or any state or local officials with regulatory authority over the employer or any of its drivers. Instances include:

- A compliance review;
- A focused investigation for the Drug and Alcohol Compliance BASIC;
- A crash investigation when drugs or alcohol appeared to have been an issue; or
- An inspection sweep during FMCSA's Drug and Alcohol Inspection Strike Force.

A company may be asked to provide a summary of the previous year's drug and alcohol test results during any of these enforcement contacts.

FMCSA Clarifies ELD Enforcement Policy

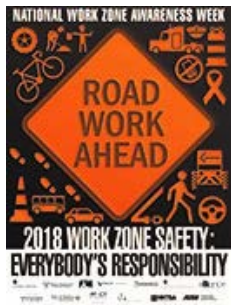
The Federal Motor Carrier Safety Administration (FMCSA) has clarified how the electronic logging device (ELD) mandate will be enforced beginning April 1, 2018, when "full enforcement" begins.

Starting on that date:

- Drivers who do not have an ELD when required will be placed out of service (OOS). The OOS order will remain in effect for 10 hours for truck drivers or 8 hours for drivers of passenger-carrying vehicles.
- At the end of the OOS period, the driver will be allowed to travel to the next scheduled stop using paper logs, and should not be dispatched again without an ELD.
- If the driver is dispatched again without an ELD, he or she may be placed OOS again and "the motor carrier will be subject to further enforcement action," the FMCSA says.

Also starting April 1, 2018, any ELD violations recorded on roadside inspection reports will count against the driver's and carrier's scores in the Compliance, Safety, and Accountability (CSA) system.

2018 National Work Zone Awareness Week, April 9-13



National Work Zone Awareness Week (NWZAW) is an annual spring campaign held at the start of construction season to encourage safe driving through highway work zones and construction sites. The key message is for drivers to use extra caution in work zones. For more information, [Click Here](#).

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