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Safety Bulletin



January 11th, 2019

Driving Safety Through Business Intelligence in 2019



Registration Is Now Open Online For the 2019 Idealease/NPTC Safety Seminars!

The Driver Qualification Process

Multiple-employer driver means a driver, who in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. This definition applies to a driver who regularly works part time for two or more employers.

If a motor carrier employs a person as a multiple-employer driver, as defined in [§390.5](#) of this subchapter, the motor carrier shall comply with all requirements of this part, except that the motor carrier need not:

- Require the person to furnish an application for employment in accordance with [§391.21](#)
- Make the investigations and inquiries specified in [§391.23](#) with respect to that person
- Perform the annual driving record inquiry required by [§391.25\(a\)](#)
- Perform the annual review of the person's driving record required



Idealease and the National Private Truck Council NPTC will be hosting safety seminars again in 2019. The one-day seminar this year will focus on new safety technologies available on trucks today, basic safety and compliance, regulation changes and CSA. The seminars will be provided to all Idealease customers, potential customers and NPTC members at no additional charge. The seminars provide important information applicable to both the novice and experienced transportation professionals.

by [§391.25\(b\)](#)

- Require the person to furnish a record of violations or a certificate in accordance with [§391.2](#)

Before a motor carrier permits a multiple-employer driver to drive a commercial motor vehicle, the motor carrier must obtain his/her name, his/her social security number, and the identification number, type and issuing State of his/her commercial motor vehicle operator's license. The motor carrier must maintain this information for 3 years after employment of the multiple-employer driver ceases.

A Driver Who Is Regularly Employed By A Motor Carrier and Occasionally Works For Another Motor Carrier:

In reference to [§391.65\(a\)](#) A motor carrier may employ a driver who is not a regularly employed driver of that motor carrier without complying with the generally applicable driver qualification file requirements in this part, if the driver is regularly employed by another motor carrier and the motor carrier which regularly employs the driver certifies that the driver is fully qualified to drive a commercial motor vehicle in a written statement which:

- Is signed and dated by an officer or authorized employee of the regularly employing carrier
- Contains the driver's name and signature
- Certifies that the driver has been regularly employed as defined in [§390.5](#)
- Certifies that the driver is fully qualified to drive a commercial motor vehicle under the rules in Part 391 of the Federal Motor Carrier Safety Regulations
- States the expiration date of the driver's medical examiner's certificate

- Specifies an expiration date for the certificate, which shall be no longer than 2 years or, if earlier, the expiration date of the driver's current medical examiner's certificate; and a motor carrier that obtains a certificate in accordance with paragraph (a)(2) of this section shall contact the motor carrier which certified the driver's qualifications under this section to verify the validity of the certificate.



This contact may be made in person, by telephone, or by letter

- Retain a copy of that certificate in its files for three years.
- A motor carrier which certifies a driver's qualifications under this section shall be responsible for the accuracy of the certificate. The certificate is no longer valid if the driver leaves the employment of the motor carrier which issued the certificate or is no longer qualified under the rules in this part.

An Employee Of a Non-Motor Carrier Who Occasionally or Part Time Drives For a Motor Carrier:

A person who drives for one motor carrier would not meet the definition of an intermittent, casual, or occasional driver even if it is only one day a month. The motor carrier must fully qualify the driver and maintain a qualification file as a regularly employed driver.

With all of that said, it is still in the best interest of a motor carrier and the best liability protection to require all drivers regardless of employment status to complete a full qualification process with a complete file on each driver that operates a commercial

SAFETY SEMINAR REGISTRATION

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2019 Safety Seminars and locations will be announced December 2018.

Please choose the Safety Seminar date from the drop down menu below. If you have any questions or concerns please contact Sarah Allen at 847-394-3218 or at sarah.allen@fsdohdhs.com

NOTE: If you are registering multiple people for your company [each person](#) needs to be registered individually.

Select Your Seminar *
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[Click Here To Register For An Upcoming Seminar in 2019](#)

Spring Seminars

3/27/2019	Orlando, FL
3/28/2019	Tampa, FL
4/2/2019	Memphis, TN
4/3/2019	Atlanta, GA
4/3/2019	Mannheim, PA
4/4/2019	Charlotte, NC
4/4/2019	Weirton, WV
4/16/2019	San Leandro, CA
4/18/2019	Ventura, CA
4/23/2019	Portland, OR
4/25/2019	Kelowna, BC
5/1/2019	Plymouth, IN
5/1/2019	Grand Rapids, MI
5/7/2019	Upper Marlboro, MD
5/9/2019	Aurora, CO
5/21/2019	Baltimore, MD
5/23/2019	Milwaukee, WI

Fall Seminars

TBD	Chicago, IL
TBD	Lexington, KY
TBD	Springfield, IL
TBD	Reno, NV
TBD	San Leandro, CA
TBD	Eugene, OR
TBD	Green Bay, WI
TBD	Erie, PA

Are You Sharing Your Driver with Another Company?



motor vehicle.

Now, How Does the Drug and Alcohol Testing Regulations Address a Shared Driver?

Keep in mind that Drug and Alcohol regulations apply to drivers that operate commercial motor vehicles in excess 26,000 lbs GVWR or are transporting HM in placardable quantities or passengers.

Pre-employment testing:

There is an exception to pre-employment testing found in [CFR 382.301](#). However, there are many requirements to the exception and basically you are relying on the compliance of another motor carrier for your own compliance. As a better practice and your best liability protection, administer a Pre-employment Drug screen to all new drivers regardless of employment classification.

Random Testing:

Question: When a driver works for two or more employers, in whose random pool must the driver be included?

Answer: The driver must be in the pool of each employer for which the driver works.

All other testing, post-accident, reasonable suspicion and follow-up testing would apply as any other driver.

And Finally, How Do the Hours of Service Regulations Apply to Shared Drivers?

Drivers used by more than one motor carrier when the services of a driver are used by more than one motor carrier during any 24-hour period in effect at the driver's home terminal, the driver shall submit a copy of the record of duty status to each motor carrier. The record shall include:

- All duty time for the entire 24-hour period
- The name of each motor carrier served by the driver during that period
- The beginning and finishing time, including A.M. or P.M., worked for each carrier



Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty prior to beginning work for the motor carriers.

Does the Federal Motor Carrier Safety Administration address the use of a driver by multiple employers? Yes, this situation is addressed in several ways throughout the regulations however, it is confusing.

Drivers that work part time, fall into several classifications:

1. Drivers that work for multiple employers on a regular basis
2. Drivers who are regularly employed by a motor carrier and occasionally drive for another motor carrier
3. An employee of a non-motor carrier and who occasionally or part time drives

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