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What Is In the Cab of Your Truck?

When is the last time you looked inside the cab, body or trailer of the trucks that your drivers are operating?

Over the years of inspecting and looking inside of commercial motor vehicles for the companies I have worked for I have seen the following items inside trucks that present unique dangerous situations to the driver and unnecessary liability exposure to the company.

Armadillos, dogs, cats, snakes, a folding chair, television on the dash, milk crates, garbage, windows tinted beyond federal regulations, stuffed animals in the windshield, alcohol, drugs, firearms, radar detectors and unauthorized passengers.

Some of the previously mentioned items are strictly prohibited by the Federal Motor Carrier Safety Regulations and others are restricted by regulations. Regardless of the regulations each of these items should be addressed by your company safety policy and procedures manual to insure safe operations of your commercial motor vehicles.

Items in the Windshield, Garbage and Clutter Inside the Cab

The following Federal Motor Carrier Safety Regulations pertains to:

CFR 394.8 – Interference with driver. No motor vehicle shall be driven when any object:

- Obscures his/her view ahead, the right or left sides, or to the rear.
- Interferes with the free movement of his/her arms or legs.
- Prevents his/her free and ready access to the accessories required for



October 26, 2018

FMCSA Interpretation



Question 1: May windshields and side windows be tinted?

Guidance: Yes, as long as the light transmission is not restricted to less than 70 percent of normal (refer to the American Standards Association publication Z26.1-1966 and Z26.1a-1969).

Question 2: May a decal designed to comply with the periodic inspection documentation requirements of §396.17 be displayed on the windshields or side windows of a Commercial Motor Vehicle CMV?

Guidance: Yes, provided the decal is being used in lieu of an inspection report and is in compliance with §393.60(c).

Question 3: If a crack extended into the thickness of the glass at such an angle as to measure 1/4" or more, measuring from the top edge of the crack on the outside surface of the windshield to vertical line drawn through the windshield to the far edge of this angled crack on the inside of the windshield, would this constitute a crack of 1/4" or more in width as defined in §393.60 (2)?

Guidance: No. The crack, to fall outside the exception, would have to be a gap of 1/4" or more on the same surface of the windshield.

Halloween Driving "Tricks" to Keep Everyone Safe

emergencies.

- Prevents the free and ready exit of any person from the cab or driver's compartment.

Property on motor vehicles. No vehicle transporting persons and property shall be driven unless such property is stowed in a manner which will assure:

- Unrestricted freedom of motion to the driver for proper operation of the vehicle.
- Unobstructed passage to all exits by any person.
- Adequate protection to passengers and others from injury as a result of the displacement or falling of such articles.

CFR 393.60 – Prohibition on Obstructions to the Driver's Field of View

Devices mounted at the top of the windshield. Antennas, transponders, and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield. These devices must be located outside the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. Decals and stickers mounted on the windshield. Commercial Vehicle Safety Alliance (CVSA) inspection decals, stickers and decals required under Federal or State laws may be placed at the bottom or sides of the windshield provided. Such decals or stickers do not extend more than 115 mm (4½ inches) from the bottom of the windshield and are located outside the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs or signals.



Unauthorized Passengers

392.60 Unauthorized Persons Not to Be Transported

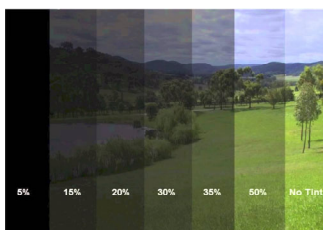
Unless specifically authorized in **writing** to do so by the motor carrier under whose authority the commercial motor vehicle is being operated, no driver shall transport any person or permit any person to be transported on any commercial motor vehicle other than a bus. When such authorization is issued, it shall state the name of the person to be transported, the points where the transportation is to begin and end, and the date upon which such authority expires. No written authorization, however, shall be necessary for the transportation of:

- (1) Employees or other persons assigned to a commercial motor vehicle by a motor carrier
- (2) Any person transported when aid is being rendered in case of an accident or other emergency

Tinting of Windows

CFR 393.60 Glazing in specified openings

Coloring or tinting of windshields and the windows to the immediate right and left of the driver is allowed, provided the parallel luminous transmittance through the colored or tinted glazing is not less than 70 percent of the light at normal incidence in those portions of the windshield or windows which are marked as having a parallel luminous transmittance of not less than 70 percent. The transmittance



To help everyone bring home treats — not tragedies — follow these tips for a safe Halloween:

- Focus on your driving. A single distraction could lead to a tragedy.
- Stay well below the posted speed limit.
- Pay attention to what's happening on sidewalks and roadways. Watch for children darting across streets, especially between parked cars.
- Be extra alert when pulling in and out of driveways.
- Do not assume children can see you or are paying attention. You need to take that responsibility.
- Drivers should also check that all lights on their car work.
- Do not pass other vehicles that have stopped in the roadway. They could be dropping off children.
- If you're driving a group of children, but staying in the running vehicle at the curb, be sure to put on your hazard lights to alert other motorists.
- And if you're driving to a Halloween party, put that mask on after you park the car.

Parents can help motorists, too:



- Make sure drivers can see the children. Give them flashlights and glow sticks. Dress kids in bright, reflective clothing or use reflective tape on their costumes.
- Use makeup, rather than masks, so children have a clear, unobstructed view of their surroundings.
- Be sure children know how to cross a street -- look left, right and left again before crossing.
- Instruct children to stay on sidewalks and to cross only at corners or crosswalks.
- Accompany your children as they trick or treat.

restriction does not apply to other windows on the commercial motor vehicle.

Televisions

CFR 393.88 Television Receivers

Any motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast shall have the viewer or screen located in the motor vehicle at a point to the rear of the back of the driver's seat if such viewer or screen is in the same compartment as the driver and the viewer or screen shall be so located as not to be visible to the driver, while he/she is driving the motor vehicle. The operating controls for the television receiver shall be so located that the driver cannot operate them without leaving the driver's seat

Alcohol

CFR 392.5 Alcohol Prohibition

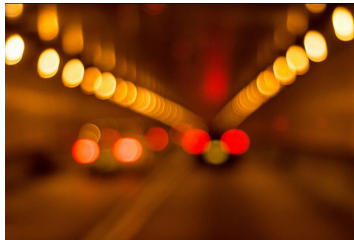
Be on duty or operate a commercial motor vehicle while the driver possesses wine of not less than one-half of one per centum of alcohol by volume, beer as defined in 26 U.S.C. 5052(a), of the Internal Revenue Code of 1954, and distilled spirits as defined in section 5002(a)(8), of such Code. However, this does not apply to possession of wine, beer, or distilled spirits which are manifested and transported as part of a shipment.

Drugs and Controlled Substances

CFR 392.4 Drugs and Other Substances

No driver shall be on duty and possess, be under the influence of, or use, any of the following drugs or other substances:

1. Any 21 CFR 1308.11 Schedule I substance
2. An amphetamine or any formulation thereof (including, but not limited to "pep pills," and "bennies")
3. A narcotic drug or any derivative thereof
4. Any other substance, to a degree which renders the driver incapable of safely operating a motor vehicle
5. No motor carrier shall require or permit a driver to violate paragraph (a) of this section
6. Paragraphs 2, 3, and 4 do not apply to the possession or use of a substance administered to a driver by or under the instructions of a licensed medical practitioner, as defined in §382.107 of this subchapter, who has advised the driver that the substance will not affect the driver's ability to safely operate a motor vehicle.



** As used in this section, "possession" does not include possession of a substance which is manifested and transported as part of a shipment.*

Animals

The Federal Motor Carrier Safety regulations do not specifically address animals inside of a commercial motor vehicle.

Firearms

Firearms by federal regulation are not specifically regulated rather each state has laws regarding transportation of firearms in motor vehicles. Most states have a concealed weapon laws which make it illegal to transport a firearm concealed in any type of motor vehicle without a permit.

Radar Detectors

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CFR 392.71 Radar Detectors; use and/or Possession

1. No driver shall use a radar detector in a commercial motor vehicle or operate a commercial motor vehicle that is equipped with or contains any radar detector.
2. No motor carrier shall require or permit a driver to violate paragraph 1 of this section.

Hair-Testing of Truck Drivers Will Be Allowed under New Law

President Trump signed into law on Oct. 24 legislation aimed at combating the nation's opioid crisis that contains provisions on hair testing for illegal drug use that have been long sought by trucking lobbies. The Opioid Crisis Response Act of 2018, which passed both Houses of Congress with near-unanimous bipartisan votes, directs the Substance Abuse and Mental Health Services Administration to report to Congress on its progress creating and issuing guidelines for hair testing.

Federal law requires trucking companies to drug test new drivers and randomly test existing drivers. But currently, only urinalysis is recognized by the Substance Abuse and Mental Health Services

Administration as a proven drug testing method, meaning carriers that want to hair-test drivers must still do urinalysis as well.

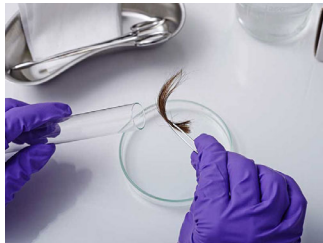
Proponents of hair testing argue that it has advantages, including a longer detection window, easier collection, and results that are harder to



fake.

The new law requires the Department of Health and Human Services to report within 60 days to the Senate Commerce and House Transportation and Infrastructure Committees on the status for hair testing guidelines, the reasons for delay in issuing guidelines, and a schedule for completion of the guidelines. Also included in the legislation are reporting requirements on the development of the Drug and Alcohol Clearing house and a deadline for completing work on oral fluids testing.

The American Trucking Associations said in a statement that it has "long advocated for and worked closely with Senate Commerce Committee staff" to secure the hair-testing



provisions in the legislation. "Our fleets need to depend on the most accurate, reliable and failsafe drug testing methods available today, and this legislation pushes the federal government to recognize those means of testing," said Bill Sullivan, ATA's executive vice president of advocacy. "We thank our champions in Congress— Senators Thune and Fischer and Representatives Crawford and

Fleischmann— who have played a pivotal role in advancing this important safety issue."

ATA noted that the FAST Act highway bill of 2015 had required the Department of Health and Human Services to issue scientific and technical guidelines for hair testing by December 2016, a deadline that was missed.

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