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*In this Issue:*  
 Idealease Announces a New Safety Webinar Series  
 CVSA to Hold Operation Safe Driver Next Week  
 FMCSA May Take Extenuating Circumstances into Account for Random Testing in 2020  
 What are the Disqualifications that Would Prevent a Driver from Receiving Clearance in the Security Threat Assessment Process for a Hazardous Materials Endorsement?



July 10, 2020

## Idealease Announces a New Safety Webinar Series

Due to the cancellation of our on-site safety seminars in 2020 we will be presenting a safety webinar series starting next month to keep you informed and up to date on changing regulations as well as a review of existing regulations. The webinars will be one hour in length and will address six separate topics regarding compliance and safety. Look for registration information in future safety bulletins. Here are the dates and webinar topics:

Aug. 12	Who is required to comply with the Federal Motor Carrier Safety Regulations
Aug. 26	Qualifying a driver of a commercial motor vehicle
Sept. 9	Keeping your driver safe during a pandemic
Sept. 23	New hours of service regulation changes and the ELD
Oct. 7	How the Drug and Alcohol Testing regulations apply to you a motor carrier
Oct. 21	Developing a proactive safety and loss control program

### CVSA to Hold Operation Safe Driver Next Week



Speeding is the focus of the Commercial Vehicle Safety Alliance's (CVSA) 2020 Operation Safe Driver Week, scheduled to take place July 12 through 18 throughout North America.

During the week, law enforcement personnel will watch for drivers who are engaging in unsafe driving behaviors. Those motorists will be stopped and may receive a warning or citation.

#### Why is CVCSA emphasizing speeding this year?

COVID-19 stay-at-home orders resulted in decreased traffic on the roads. The Governors Highway Safety Association suggests that fewer vehicles on the roads may encourage some drivers to break traffic laws. In fact, many jurisdictions are reporting a severe spike in speeding. CVSA has chosen to emphasize speeding during Operation Safe Driver Week to address this recent trend.

#### Other areas of unsafe driving

Law enforcement will address more than just speeding during the week-long

## FMCSA May Take Extenuating Circumstances into Account for Random Testing in 2020

An enforcement notice posted by the Federal Motor Carrier Safety Administration (FMCSA) addresses the difficulties that motor carriers may encounter during the COVID-19 pandemic as they manage their DOT random testing programs.



FMCSA states that employers capable of meeting the requirements under §382.305 must continue to do so. However, the agency realizes that motor carriers in some locations may be unable to comply due to the ongoing impacts of the emergency.

As a result, the agency may exercise discretion when enforcing the minimum annual random testing rates and the requirement to administer the random tests reasonably throughout the calendar year.

### This is NOT a Pass on Random Testing

FMCSA stated in its guidance, "This Notice is not intended, and should not be perceived, as suspending the current random testing requirements."

Instead, FMCSA clarifies that employers must continue to select at the current annual testing rates (50 percent for drugs and 10 percent for alcohol) and attempt to spread the random tests evenly throughout the calendar year. If the public health emergency prevents the motor carrier from complying with §382.305, it must document the specific reasons for non-compliance, such as:

- No available options for testing. An example might be testing facilities in the region were closed or had a shortage of testing personnel. Motor carriers would document the circumstances, along with actions taken to find an alternate testing site.
- Driver layoffs. If tests were not spread evenly through the calendar year due to prolonged or intermittent driver furloughs, the employer would explain the impact of COVID-19 on its operations (e.g., X-number of drivers laid off for a specified time period affecting the testing cycle).
- During motor carrier investigations occurring in calendar year 2021, enforcement will take into consideration the motor carrier's documented reasons for random testing violations in 2020 and may exercise enforcement discretion.

## What are the Disqualifications that Would Prevent a Driver from Receiving Clearance in the Security Threat Assessment Process for a Hazardous Materials Endorsement?

Conviction of any of the following crimes will disqualify a driver from being eligible for a hazmat endorsement:

Terrorism, Assault with intent to murder, Murder,



initiative. Other dangerous driving behaviors will be tracked during Operation Safe Driver Week, such as:

- Distracted driving
- Failure to use a seatbelt
- Following too closely
- Improper lane change
- Reckless or aggressive driving
- Failure to obey traffic control devices
- Impaired driving

### Goal of the safety initiative

Interactions between law enforcement and drivers have been found to reduce targeted problematic behaviors. Using enforcement campaigns, such as Operation Safe Driver Week, CVSA hopes to reduce risky driving behaviors.

[Learn more here.](#)

**IDEALEASE**  
Truck Learning & Research

June 10th, 2019

**Idealease Fall Safety Seminar Registration is open!**

Coming Soon... Federal Motor Carrier Safety Administration (FMCSA) Commercial Driver's License Drug and Alcohol Clearing House

An online resource for commercial motor vehicle (CMV) industry stakeholders has been established by the FMCSA in advance of next year's CDL, Drug and Alcohol Clearinghouse implementation.

Commercial driver's license (CDL) holders, employers, state driver licensing agencies, medical review officers, and independent abuse professionals can use the resource website to learn more about the clearinghouse implementation, scheduled for January 8, 2020.

This website provides CMV stakeholders with information about the clearinghouse, including a fact sheet, implementation timeline, and frequently asked questions. CMV stakeholders can also sign up to receive clearinghouse-related email updates during the implementation process.

The clearinghouse will be a secure online database that will allow FMCSA, CMV employers, state driver licensing agencies, and law enforcement agencies to identify, in real-time, CDL drivers who have violated federal drug and alcohol testing program requirements.

Congress mandated implementation of the clearinghouse on December 5, 2016, outlining

Click here to register for a Safety Seminar at IDEALEASE

Idealease and the National Private Truck Council (NPTC) will be hosting a series of seminars in 2019. The one day seminar this year will focus on new safety technologies available on trucks today and **Safety and Compliance** regulatory changes and CDL. The seminars will be presented by IDEALEASE's subject matter experts and NPTC members at an additional charge. The seminar provides important information applicable to both the owner and experienced transportation professionals.

**Fall Seminars**

8/21/2019	San Luis Obispo, CA
9/12/2019	Rockville, MD
9/17/2019	Louisville, KY

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Keep in mind that if the driver fails the security threat assessment that does NOT mean that they will be denied a CDL only that they will NOT be issued a hazmat endorsement.

All drivers who need to renew their hazardous material endorsement or apply for a new HM endorsement on their CDL need to complete the "Security Threat Assessment" process. It is recommended that drivers start this process 30 days prior to the expiration of their license. To start the assessment process [click here](#).



**While we are discussing endorsements, do you realize this NON-CDL truck could require the driver to have a CDL with a Tank endorsement to drive?**

***FMCSA definition for "Tank Vehicle" for Tank Endorsement for CDL***

Tank vehicle means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

Four of these 275 gallon IBC totes filled with liquid or gaseous materials would require the driver of the NON-CDL unit now to have a CDL with a tank vehicle endorsement as the totes exceed the 119 gallon tank definition and the aggregate capacity exceeds 1,000 gallons.



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