



Get Ready Now for Roadcheck 2009- It Happens June 2-4

Make sure your vehicles are ready for Roadcheck 2009, which will be held June 2 to June 4. Roadcheck is the international truck and bus roadside inspection program. During a 72-hour period in the first week of June, more than 8,500 officials will be inspecting over 60,000 vehicles. That's a little more than **14 vehicles every minute**.

Some facts to consider regarding last year's Roadcheck event:

- A record **67,931 inspections** were conducted.
- Of the vehicles inspected, **20.8% were placed out of service** for mechanical problems (that's about 14,130 vehicles)
- The **driver out-of-service rate was service 5.3%**, mainly for hours of service.

Roadcheck 2009 is only a month away. Start preparing your drivers and their vehicles now.

FMCSA Tightens Policy on Fines:

Motor carriers likely will face maximum penalties more often under a new enforcement policy that went into effect Wednesday, April 1. In the March 30th Federal Register, the FMCSA announced that will change how it now will implement Section 222 of the Motor Carrier Safety Improvement Act of 1999, which requires the FMCSA to assess maximum statutory penalties if a person or company is found to have committed a pattern of violations of critical or acute regulations, or previously committed the same, or a related violation of critical or acute regulations.

Until now, FMCSA has defined a "pattern" as three findings of violation occurring within the last six years. Based on recommendations by the G.A.O and the D.O.T however, the FMCSA now will define a "pattern of violations" as occurring when the agency discovers two or more critical and/or acute violations in each of three or more different regulatory parts. Such a "pattern" will not require a previous enforcement and can be found even during a first-time investigation.

For example, a motor carrier who does not perform drug testing on two drivers before using them, allows them to operate in excess of the 14 hour rule, and has not completed a DQ file on them would be subject to fines and enforcement actions, even during an initial visit. **Maximum fines can run from \$1,000, to \$11,000 per violation, and there is no aggregate limit on how much a motor carrier can be fined.**

Maximum fines may also be assessed based on previous contact with the FMCSA, state motor carrier safety enforcement agencies or other FMCSA-designated representative. Such contact includes a wide range of events, including new entrant safety audit, pre-authorization safety audits, compliance reviews, notices of violation, and notices of claim, warning letters or other significant documented contact. The previous contact may have occurred prior to April 1, 2009, but a roadside inspection alone is not considered a "previous contact."

The FMCSA is also adopting a "two strikes" policy similar to the existing "three strikes" policy. The FMCSA will apply maximum penalties in cases where an acute violation is discovered during an investigation within six years of a previously closed case that contained a finding of violation of a critical or acute regulation in the same part of the federal motor carrier or hazardous materials regulations. The FMCSA will apply the same standards under the "two strikes" policy as it did under the "three strikes" policy.

The FMCSA is also expanding the category of investigations during which violations subject to maximum penalties may be discovered. Investigations now will include rated and unrated compliance reviews, terminal reviews, shipper reviews, focused reviews, on- and off-site assessment investigations, and on- and off-site investigations arising under the agency's Comprehensive Safety Analysis 2010 program or successor programs. The CSA 2010 program, currently under evaluation, would rely on more frequent intervention by FMCSA and its agents than under the current approach, which focuses on on-site compliance reviews.



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