

# CLIENT'S QUARTERLY NEWSLETTER



October 2007

THE ROAD TO SAFETY AND COMPLIANCE

**On Site  
Training**

On Site HazMat and Fork Lift Training is available thru Fleet Safety Services

- Any size group
  - Topics customized to your company's needs
  - All training materials are included in the fee- ERG books too!
  - Evening & Weekend sessions available
- Call us for more information  
800-215-2490

COLUMBUS DAY  
October 8th 2007



Fleet Safety Services, Inc.  
12 Harvard Street  
Worcester, MA 01609

Phone: 508-791-1971  
800-215-2490  
Fax: 508-831-7611

## **WE ARE MOVING:** **FLEET SAFETY SERVICES NEW ADDRESS:** **12 HARVARD STREET WORCESTER, MA 01609**

Continuation of a series of US DOT published regulatory interpretations:

*Question:* How does compensation relate to on-duty time?

*Guidance:* The fact that a driver is paid for a period of time does not always establish that the driver was on-duty for the purposes of part 395 during that period of time. A driver may be relieved of duty under certain conditions and still be paid.

*Question:* Must non-transportation related work for a motor carrier be recorded as on-duty time?

*Guidance:* Yes. All work for a motor carrier, whether compensated or not, must be recorded as on-duty time. The term "work" as used in the definition of "on-duty time" in §395.2 of the FMCSRs (safety regulations) is not limited to driving or other non-transportation-related employment.

*Question:* If a driver drives in a non-commercial vehicle to take a physical examination, should the duty status be recorded as on-duty not driving, or as off-duty? Would the answer change if the motor carrier directs the driver to go for the examination?

*Guidance:* So long as the driver schedules and attends the physical examination at a time of his or her own choosing, the time may be recorded as off-duty. If, however, the motor carrier directs the driver to attend at a specific time, the time is to be recorded as on-duty not driving.

*Question:* How must a commercial motor vehicle driver driving a non-commercial motor vehicle at the direction of a motor carrier record this time?

*Guidance:* If the drivers operate motor vehicles with gross vehicle weight ratings of 10,000 pounds or less at the direction of a motor carrier, the FMCSR requires those drivers to maintain records of duty status and record such time operating as on-duty (not driving).

### **Hours of Service: No change yet**

As you may have heard, a US Court recently found fault with the DOT's hours of service rules for drivers, but as of this printing there have been no changes to the current rules. Fleet Safety Services monitors rules updates and will forward specifics on any hours of service rules change, which may effect our clients, as soon as any such announcement is made.

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## Fourth Quarter Random Testing Begins This Month

Try to have your testing completed before the middle of December to ensure that all test results are received by December 31. Remember, the date that counts for DOT Compliance is the date that the lab confirms the test results, NOT the collection date!

Please fax Alcohol test results to Fleet Safety: (508) 459-3099



### DANIEL FOX

Introducing our newest employee Daniel Fox, he is a recent graduate of Franklin Pierce College, NH. Daniel is in charge of our Fuel Tax Department, if you have any Fuel Tax questions or are interested in having your Fuel Tax reports done through Daniel at Fleet Safety, please call him at: (508) 791-1971

DANIEL FOX

## The DOT has revised its Safety Rating methodology

All critical and acute "intrastate" violations discovered during an on-site DOT audit will now be used in calculating a company's overall Safety Rating. Prior to this update, only "intrastate" critical violations involving substance testing and CDL non-compliance affected a company's safety rating. However, now it affects all areas of the regulations. An "intrastate" violation refers to commerce strictly within one state that did not originate or destined out of state. The bottom line is that now all commerce is regulated by the US DOT as it relates to a company's Safety Rating. Please don't hesitate to contact your Fleet Safety representative if you have any questions on this or any other aspect of the DOT rating system.

### DOT RULE RAISES FINES, TOUGHENS SAFETY FITNESS & CREATES DRIVER EXEMPTION

A Federal Motor Carrier Safety Administration (FMCSA) recently established new civil penalties for HAZMAT transporters, those who violate Out of Service Orders and established a fine structure targeting companies who refuse the DOT access to company records during an audit.

- An increase in the maximum civil penalty from \$27,500 to \$50,000 per offense for a violation of the hazardous materials regulations. The maximum penalty is increased to \$100,000 if the violation results in death, serious illness, severe injury or substantial property damage.
- An increase in the maximum civil penalty from \$27,500 to \$100,000 for violating an out of service order if the violation results in death, serious illness, severe injury or substantial property damage.
- A new \$1000 per day fine up to a maximum of \$10,000 is established for denying access to the U.S. DOT or its agents to business records, buildings, land and equipment.