

FLEET SAFETY COMPLIANCE 2007

**MARYLAND MOTOR TRUCK
ASSOCIATION
3000 WASHINGTON BLVD.
BALTIMORE, MD 21230**

PART 390

GENERAL APPLICABILITY AND DEFINITIONS

390.3 GENERAL APPLICABILITY

EMPLOYEES, EMPLOYERS AND COMMERCIAL MOTOR VEHICLES - TRANSPORTS PROPERTY AND PASSENGERS IN INTERSTATE COMMERCE.

RULES APPLY TO:

- PART 391 QUALIFICATION OF DRIVERS**
- PART 392 DRIVING OF COMMERCIAL
MOTOR VEHICLES**
- PART 393 PARTS AND ACCESSORIES
EQUIPMENT**
- PART 395 HOURS OF SERVICE**
- PART 396 MAINTENANCE & REPAIR OF
VEHICLES**
- PART 397 TRANSPORTATION OF HAZMAT;
DRIVING AND PARKING RULES**
- PART 387 MINIMUM LEVELS OF FINANCIAL
RESPONSIBILITY**
- PART 382 DRUG AND ALCOHOL TESTING**
- PART 383 COMMERCIAL DRIVER'S LICENSE**

390.15 ASSISTANCE IN INVESTIGATIONS

- **ACCIDENT REGISTER**
- **MAINTAIN FOR THREE YEARS AFTER ACCIDENT OCCURS**
- **FATALITY, INJURY, TOWAWAY HAZARDOUS MATERIAL CARGO**

390.21 MARKING OF COMMERCIAL MOTOR VEHICLES

- **LEGAL NAME OR TRADE NAME**
- **MOTOR CARRIER ID NUMBER -
USDOT 012345**
- **7-3-02 COMPLIANCE WITH DOT #**
- **7-5-05 COMPLIANCE WITH NAME**
- **SIZE AND LOCATION**
- **RENTAL CMV**

PART 391

QUALIFICATION
OF DRIVERS

391.1 SCOPE OF RULES

- **ESTABLISH MINIMUM QUALIFICATIONS FOR PERSONS WHO OPERATE COMMERCIAL MOTOR VEHICLES**
- **ESTABLISH MINIMUM DUTIES OF MOTOR CARRIERS**

391.11 GENERAL QUALIFICATION OF DRIVERS

- **21 YEARS OLD**
- **READ AND SPEAK ENGLISH**
- **CAN OPERATE TYPE OF COMMERCIAL VEHICLE HE/SHE DRIVES**
- **PHYSICALLY QUALIFIED**
- **HAS A CURRENT VALID DRIVERS LICENSE FROM ONE STATE**
- **HAS FURNISHED A LIST OF VIOLATIONS PART 391.27**
- **IS NOT DISQUALIFIED TO DRIVE A COMMERCIAL MOTOR VEHICLE**
- **HAS COMPLETED A ROAD TEST OR EQUIVALENT**

391.21 APPLICATION FOR EMPLOYMENT

- **APPLICATION MUST MEET REQUIREMENTS**
- **TWELVE ITEMS - CERTIFICATION**
- **MOTOR CARRIER MUST INFORM APPLICANT - CONTACTS**

391.23 INVESTIGATIONS & INQUIRIES

- **INQUIRY INTO THE DRIVER'S
DRIVING RECORD - 3YEARS**
- **INVESTIGATION INTO DRIVER'S
EMPLOYMENT RECORD**
- **WRITTEN RECORD OF ALL
PREVIOUS EMPLOYERS' CONTACT**
- **ACCIDENT RECORDS
RECORDABLE OR NOT - PAST
EMPLOYERS**

391.23 INVESTIGATIONS & INQUIRIES

- **INVESTIGATIONS SAFETY SENSITIVE FUNCTION-CDL DRIVERS**
- **MUST HAVE DRIVERS WRITTEN CONSENT**
- **PREVIOUS EMPLOYERS MUST RESPOND**
- **DRIVERS HAVE THE RIGHT TO REVIEW AND REBUT PREVIOUS EMPLOYER INFORMATION**

391.25 ANNUAL INQUIRY & REVIEW OF DRIVING RECORD

- **ONCE EVERY TWELVE MONTHS
MVA EMPLOYER NOTIFICATION***
- **STATE DRIVING RECORD
INQUIRIES - MVR**
- **FMCSR & HAZMAT REGS**
- **ACCIDENT RECORD**
- **COPY OF MVR IN DQ FILE**
- **SUPERVISOR'S REVIEW IN DQ
FILE**

391.27 RECORD OF VIOLATIONS

- **ONCE EVERY TWELVE MONTHS**
- **DRIVER FURNISHES A LIST OF VIOLATIONS**
- **DRIVER CERTIFIES**
- **COPY OF CERTIFICATION KEPT IN DQ FILES**

391.31 ROAD TEST

- **ROAD TEST AND CERTIFICATION**

391.33 EQUIVALENT OF ROAD TEST

- **VALID CDL**
- **DOES NOT INCLUDE DOUBLES, TRIPLES, TANKS**
- **COPY OF ROAD TEST**
- **KEEP A COPY IN THE DQ FILES**

391.41 PHYSICAL QUALIFICATIONS FOR DRIVERS

- **NO LOSS OF HAND, ARM, LEG OR FOOT**
- **NO IMPAIRMENT HAND, ARM, LEG OR FOOT**
- **NO DIABETES**
- **NO CONGESTIVE HEART FAILURE**
- **NO RESPIRATORY DYSFUNCTION**
- **NO HIGH BLOOD PRESSURE**
- **NO RHEUMATIC, ARTHRITIC, ORTHOPEDIC,
NEUROMUSCULAR OR VASCULAR DISEASE**
- **NO EPILEPSY**
- **NO MENTAL, NERVOUS, PSYCHIATRIC DISORDERS**
- **MINIMAL VISUAL REQUIREMENT**
- **MINIMAL HEARING REQUIREMENT**
- **DOES NOT USE A CONTROLLED SUBSTANCE**
- **NO CLINICAL DIAGNOSIS OF ALCOHOLISM**

391.43 MEDICAL EXAMINATION

- **MUST HAVE MEDICAL EXAMINER'S CARD IN POSSESSION**
- **OUT OF SERVICE VIOLATION- DRIVER**
- **COPY OF MEDICAL EXAMINER'S CARD MUST BE IN FILE**
- **LONG FORM (EXAMINATION) MAY BE IN FILE**

391.45 PERSONS WHO MUST BE MEDICALLY EXAMINED AND CERTIFIED

- **NEW DRIVER**
- **EVERY 24 MONTHS, 12 MONTHS, 6 MONTHS, 3 MONTHS**
- **PHYSICAL OR MENTAL INJURY OR DISEASE – COMPANY'S RESPONSIBILITY**

391.51 REQUIREMENTS FOR DRIVER QUALIFICATION FILES

- **APPLICATION FOR EMPLOYMENT**
- **INQUIRIES TO PAST EMPLOYERS**
- **ROAD TEST OR EQUIVALENT**
- **COPY OF MVR***
- **SUPERVISOR'S ANNUAL REVIEW***
- **DRIVER'S CERTIFICATION OF VIOLATIONS***
- **COPY OF MEDICAL EXAMINER'S CERTIFICATE***
- **WAIVER, IF REQUIRED***

***MAY BE REMOVED AFTER 3 YEARS**

PART 392

DRIVING OF COMMERCIAL VEHICLES

392.1 SCOPE OF RULES

- **APPLIES TO ALL EMPLOYEES, DRIVERS, AGENTS, REPS**
- **DRIVERS SHALL BE INSTRUCTED**
- **POCKET SIZE OF FMCSA REGS**

392.4 DRUGS AND OTHER SUBSTANCES

- **DRIVER CANNOT USE, POSSESS OR
BE UNDER THE INFLUENCE**
- **ADMINISTERED BY A LICENSED
MEDICAL PRACTITIONER**
- **MANIFESTED SHIPMENT**

392.5 ALCOHOL PROHIBITION

- **UNDER THE INFLUENCE
WITHIN 4 HOURS**
- **ANY MEASURED
CONCENTRATION ON DUTY
OR DRIVING**
- **POSSESSION ON DUTY OR
DRIVING**

392.7/392.8 EQUIPMENT, INSPECTION AND USE

- **DRIVER MUST BE SATISFIED
PARTS IN GOOD ORDER**
- **BRAKES, LIGHTS, STEERING,
HORN, TIRES, MIRRORS**
- **EMERGENCY EQUIPMENT**
- **VISUAL INSPECTION**

392.9 SAFE LOADING

- **CARGO PROPERLY DISTRIBUTED**
- **ALL LOADS, SPARE TIRES AND OTHER EQUIPMENT IS SECURED**
- **EXAMINE THE CARGO & SECUREMENT DEVICES DURING FIRST 50 MILES**
- **PERIODICALLY REEXAMINE THE CARGO & SECUREMENT - CHANGE OF DUTY - 3 HOURS - 150 MILES**

392.16 USE OF SEAT BELTS

- **DRIVER MUST USE - IF EQUIPED**
- **CAN STOP WITHOUT CAUSE TO INSPECT**

PART 393

PARTS

&

ACCESSORIES

NECESSARY

FOR

SAFE OPERATION

393.1 SCOPE OF RULES

- **EMPLOYERS AND EMPLOYEES SHALL COMPLY AND BE CONVERSANT**
- **EMPLOYER SHALL NOT CAUSE OR PERMIT OPERATION CONTRARY TO PART 393**

393.100 LOAD SECUREMENT

- **LENGTH AND WEIGHT**
- **GENERAL RULES**
- **WORKING LOAD LIMITS**
- **SPECIFIC COMMODITY**

PART 395

DRIVERS

HOURS

OF

SERVICE

PART 395

- **DRIVING TIME**
- **ON DUTY TIME**
- **OFF DUTY TIME**
- **SLEEPER BERTH TIME**

395.1(e) 100 AIR MILE RADIUS DRIVER EXEMPT FROM LOG BOOKS:

- **100 AIR MILE NORMAL WORK LOCATION**
- **RETURNS WITHIN 12 CONSECUTIVE HOURS**
- **10 CONSECUTIVE HOURS OFF DUTY**
- **DOES NOT EXCEED 10 HOURS DRIVING**
- **MOTOR CARRIER MAINTAINS 6 MONTHS RECORDS**
 - **TIME DRIVER REPORTS FOR DUTY**
 - **TOTAL NUMBER OF HOURS ON DUTY**
 - **TIME DRIVER IS RELEASED FROM DUTY**
 - **TOTAL TIME FOR PRECEDING 7 DAYS**

150 AIR MILE RADIUS DRIVER

- **NON CDL VEHICLE**
- **EXEMPT FROM LOGS**
- **TWO DAYS MAY BE 16 HOURS
OUT OF SEVEN**
- **NO 12 HOUR RESTRICTION**
- **COMPANY MUST KEEP TIME
RECORDS**

395.3 MAXIMUM DRIVING TIME INTERSTATE - INTRASTATE HM

- **SHALL NOT DRIVE MORE THAN 11 HOURS**
- **SHALL NOT DRIVE AFTER 14 CONSECUTIVE HOURS ON DUTY**
- **SHALL NOT DRIVE AFTER BEING ON DUTY 60 HOURS IN 7 CONSECUTIVE DAYS**
- **SHALL NOT DRIVE AFTER BEING ON DUTY 70 HOURS IN 8 CONSECUTIVE DAYS**

INTRASTATE (MARYLAND) HOURS OF SERVICE

- **AFTER 12 HOURS DRIVING MUST TAKE 8 CONSECUTIVE HOURS OFF**
- **AFTER 16 HOURS ON DUTY MUST TAKE 8 CONSECUTIVE HOURS OFF**
- **SHALL NOT DRIVE AFTER BEING ON DUTY FOR 70 HOURS IN 7 DAYS**
- **SHALL NOT DRIVE AFTER BEING ON DUTY FOR 80 HOURS IN 8 DAYS**

395.8 DRIVER'S RECORD OF DUTY STATUS

- **COMPLETED IN DUPLICATE**
- **USE PRESCRIBED FORMAT**
- **MUST HAVE 11 DIFFERENT ITEMS**
 - **DATE**
 - **TOTAL MILES DRIVEN THIS DAY**
 - **TRUCK NUMBER**
 - **NAME OF CARRIER**
 - **DRIVER'S SIGNATURE**
 - **24-HOUR STARTING PERIOD**
 - **MAIN OFFICE ADDRESS**
 - **REMARKS**
 - **CO-DRIVER**
 - **TOTAL HOURS**
 - **SHIPPING DOCUMENT NUMBER**

395.8K RETENTION OF DRIVER'S RECORD OF DUTY STATUS

- **RECORD OF DUTY STATUS MAINTAINED FOR 6 MONTHS**
- **SUPPORTING DOCUMENTATION MAINTAINED FOR 6 MONTHS VERIFYING RECORD OF DUTY STATUS:**
 - **BILLS OF LADING**
 - **CARRIER PROS**
 - **DISPATCH RECORDS**
 - **WEIGHT SCALE TICKETS**
 - **FUEL RECEIPTS**
 - **TOLL RECEIPTS**
 - **IFTA**
 - **ROADSIDE INSPECTION REPORTS**
- **DRIVER RETAINS PREVIOUS RECORD OF DUTY 7 CONSECUTIVE DAYS**

PART 396

INSPECTION,
REPAIR
AND
MAINTENANCE

396.3 INSPECTION, REPAIR & MAINTENANCE

- **SYSTEMATICALLY INSPECT, REPAIR, MAINTAIN MOTOR VEHICLES**
- **MOTOR VEHICLES SUBJECT TO MOTOR CARRIER'S CONTROL**
- **PARTS AND ACCESSORIES LISTED IN PART 393 MUST BE IN SAFE OPERATING ORDER**
- **REQUIRED RECORDS**
 - **VEHICLE ID (MAKE, VIN, YEAR, TIRE SIZE)**
 - **LEASED VEHICLES - OWNER'S NAME**
 - **DUE DATE OF VARIOUS INSPECTIONS**
 - **RECORD OF ANY INSPECTION OR REPAIR DATES**
- **RECORD RETENTION - 12 MONTHS - 6 MONTHS**

396.11 DRIVER VEHICLE INSPECTION REPORTS POST TRIP INSPECTION

- **REPORT REQUIRED - 11 ITEMS**
- **REPORT CONTENT**
 - **DRIVER MUST SIGN EVERY TIME VEHICLE IS USED**
- **CORRECTIVE ACTION**
 - **CERTIFY CORRECTION TO ANY LISTED DEFECTS**
- **90-DAY RECORD RETENTION**

396.13 DRIVER INSPECTION

- **BE SATISFIED THAT THE VEHICLE IS SAFE TO OPERATE - PRE TRIP**
- **REVIEW LAST REPORT**
- **SIGN POST TRIP INSPECTION REPORT IF DEFECTS NOTED**

396.17 PERIODIC INSPECTION

- **MARYLAND REGISTERED VEHICLES - MARYLAND PREVENTIVE MAINTENANCE PROGRAM**
- **MUST BE INSPECTED EVERY 12 MONTHS OR 25,000 MILES**
- **FORM APPROVED BY MARYLAND STATE POLICE**
- **RETAINED FOR TWO YEARS**
- **REGISTRATION CARD IS PROOF OF COMPLIANCE**

PART 397

TRANSPORTATION
OF
HAZARDOUS
MATERIALS

397.1 APPLICATION OF RULES

- **TRANSPORTING HAZARDOUS MATERIALS THAT MUST BE MARKED OR PLACARDED**

397.5 ATTENDANCE OF MOTOR VEHICLES

- **HAZMAT OTHER THAN 1.1, 1.2, OR 1.3**
- **AWAKE AND NOT IN SLEEPER BERTH**
- **WITHIN 100 FEET OF VEHICLE**
- **HAS AN UNOBSTRUCTED VIEW**

397.7 PARKING

- **HAZMAT OTHER THAN 1.1, 1.2, 1.3**
- **NOT ON OR WITHIN 5 FEET OF TRAVELED PORTION OF HIGHWAY**

397.13 SMOKING

- **CANNOT SMOKE WITHIN 25 FEET**
- **VEHICLE CONTAINS CLASS 1, 5, 2.1, 3, 4.1 AND 4.2**

PART 383

COMMERCIAL DRIVER'S LICENSE

383.3 APPLICABILITY

- **INTERSTATE, FOREIGN OR INTRASTATE COMMERCE**
- **EXCEPTIONS IN 390.3(f) DO NOT APPLY**
- **MILITARY DRIVERS EXCEPTED (UNIFORMED)**
- **FARMERS EXCEPTED (150 AIR MILES)**
- **FIREFIGHTERS**

383.5 COMMERCIAL MOTOR VEHICLE

- **GROSS COMBINATION WEIGHT RATING <26,000 LBS INCLUSIVE OF <10,000 LBS FOR TOWED UNIT**
- **GROSS VEHICLE WEIGHT RATING <26,000 LBS**
- **DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS**
- **MUST BE HAZMAT PLACARDED**

383.5 SERIOUS TRAFFIC VIOLATIONS

- **SPEEDING 15 MPH OR MORE +**
 - **RECKLESS DRIVING +**
 - **IMPROPER LANE CHANGING +**
 - **FOLLOWING TOO CLOSELY +**
 - **FATAL ACCIDENT VIOLATIONS +**
 - **DRIVING A CMV WITHOUT OBTAINING A CDL**
 - **DRIVING A CMV WITHOUT A CDL IN POSSESSION**
 - **DRIVING A CMV WITHOUT PROPER CLASS OR ENDORSEMENT**
- + IN ANY TYPE OF MOTOR VEHICLE AFTER SEPTEMBER 30, 2002**

385.5 (CONT'D)

DISQUALIFICATION FOR SERIOUS TRAFFIC VIOLATIONS

- **CONVICTION SECOND VIOLATION
- 3 YEAR PERIOD IS 60 DAYS
DISQUALIFICATION**
- **CONVICTION THIRD VIOLATION -
3 YEAR PERIOD IS 120 DAYS
DISQUALIFICATION**

383.51 DRIVER DISQUALIFICATIONS & PENALTIES DISQUALIFICATION OFFENSES

- **UNDER THE INFLUENCE OF ALCOHOL -
STATE LAW +**
- **UNDER THE INFLUENCE OF
CONTROLLED SUBSTANCE +**
- **HAVING AN ALCOHOL CONCENTRATION
OF .04 OR GREATER**
- **REFUSING TO TAKE AN ALCOHOL TEST +**
- **LEAVING THE SCENE OF AN ACCIDENT +**
- **USING A MOTOR VEHICLE TO COMMIT A
FELONY +**
- **DRIVING A CMV WHEN CDL IS REVOKED,
SUSPENDED**
- **CAUSING A FATALITY THROUGH
NEGLIGENT OPERATION OF A CMV**
- **USING A VEHICLE IN THE COMMISSION
OF A FELONY (CONTROLLED
SUBSTANCES) - LIFE +**

PART 382

CONTROLLED
SUBSTANCE

AND

ALCOHOL USE
TESTING

382.103 APPLICABILITY

- **ALL EMPLOYEES AND PERSONS WHO OPERATE CMV REQUIRE CDL**
- **DOES NOT APPLY TO FEDERAL TRANSIT ADMINISTRATION**
- **DOES NOT APPLY TO MILITARY PERSONNEL (REQUIRED TO WEAR UNIFORMS)**
- **DOES NOT APPLY TO FARMERS**
- **DOES NOT APPLY TO FIREFIGHTERS**

382.301 PRE- EMPLOYMENT TESTING

- **PRIOR TO USING FIRST TIME DRIVER**
- **EMPLOYER ACCEPTS PREVIOUS PROGRAM**
- **MAY CONDUCT AN ALCOHOL TEST**

382.303 POST ACCIDENT TESTING

- **AS SOON AS PRACTICAL, 32 HOURS CONTROLLED SUBSTANCE, 8 HOURS ALCOHOL**
- **CONTROLLED SUBSTANCE AND ALCOHOL TESTS ADMINISTERED**
- **DEFINITION OF AN ACCIDENT**
- **CITATION ISSUED IF INJURY INCURRED OR TOW REQUIRED**
- **FATAL ACCIDENT**

382.305 RANDOM TESTING

- **50% OF DRIVERS FOR CONTROLLED SUBSTANCE**
- **10% OF DRIVERS FOR ALCOHOL**
- **THIRD PARTY ADMINISTRATOR CAN BE USED**

382.307 REASONABLE SUSPICION TESTING

- **EMPLOYER SHALL REQUIRE A DRIVER TO SUBMIT TO TESTING**
- **REASONABLE SUSPICION TESTING - SUPERVISOR MUST BE TRAINED**
- **WRITTEN RECORD MUST BE MADE WITHIN 24 HOURS**

**382.309 RETURN TO
DUTY TESTING**

**382.311 - FOLLOW
UP TESTING**

382.401 RECORD RETENTION

- **EACH EMPLOYER SHALL MAINTAIN D&A PREVENTION PROGRAMS**
 - **FIVE YEARS**
 - **TWO YEARS**
 - **ONE YEAR**
- **DRIVER'S SIGNED RECEIPT FOR EDUCATIONAL MATERIAL**
- **DOCUMENTATION FOR SUPERVISOR TRAINING**
- **AGREEMENTS WITH COLLECTION SITE FACILITIES**
- **EMPLOYER'S ALCOHOL & CONTROLLED SUBSTANCE TESTING POLICY & PROCEDURES**

PART 385 SAFETY FITNESS PROCEDURES SAFETY RATINGS

- **SATISFACTORY**
- **CONDITIONAL**
- **UNSATISFACTORY**

385.5 - SAFETY FITNESS STANDARD

- **PART 382 DRUG & ALCOHOL TESTING PROCEDURES**
- **PART 383 COMMERCIAL DRIVER'S LICENSE STANDARDS**
- **PART 387 INADEQUATE LEVELS OF FINANCIAL RESPONSIBILITY**
- **PART 390 FAILURE TO MAINTAIN ACCIDENT LEDGER AND REPORTS**
- **PART 391 USE OF UNQUALIFIED DRIVERS**
- **PART 392 IMPROPER USE AND DRIVING OF MOTOR VEHICLES**
- **PART 393 UNSAFE VEHICLES ON HIGHWAYS**
- **PART 395 USE OF FATIGUED DRIVERS**
- **PART 396 INADEQUATE INSPECTION, REPAIR AND MAINTENANCE**
- **PART 397 TRANSPORTATION OF HAZARDOUS MATERIALS**
- **VIOLATIONS OF HAZARDOUS MATERIAL REGULATIONS, PARTS 170 THROUGH 177**
- **MOTOR VEHICLE ACCIDENTS AND HAZMAT INCIDENTS**

FACTOR RATINGS

- **FACTOR #1 GENERAL PARTS 387 & 390**
- **FACTOR #2 DRIVER PARTS 382, 383 & 391**
- **FACTOR #3 OPERATIONAL PARTS 392 & 395**
- **FACTOR #4 VEHICLE PARTS 393 & 396**
- **FACTOR #5 HAZMAT PARTS 397, 171, 177 & 180**
- **FACTOR #6 ACCIDENT RECORDABLE RATE**

**ACUTE VIOLATIONS -
NONCOMPLIANCE SO SEVERE
IMMEDIATE CORRECTIVE ACTION IS
WARRANTED.**

**CRITICAL VIOLATIONS -
NONCOMPLIANCE RELATES TO
MANAGEMENT CONTROLS -
10% - PATTERN**

**SATISFACTORY- IF ACUTE &
CRITICAL - 0 POINTS**

**CONDITIONAL - IF ACUTE &
CRITICAL - 1 POINT**

**UNSATISFACTORY - IF ACUTE &
CRITICAL - 2 OR MORE PTS**

MOTOR CARRIER SAFETY RATING TABLE

UNSAT	COND	RATING
0	>2	SAT
0	<2	COND
1	>2	COND
1	<2	UNSAT
<2	<0	UNSAT