

SURVIVING A DOT AUDIT



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INTRODUCTION

Complying with the Federal Motor Carrier Safety Regulations (FMCSRs) is essential for motor carriers. Not only is it required under federal law, but complying with the FMCSRs is also vital for the well-being of an organization, its drivers and the organization's reputation. To ensure compliance, it's crucial that motor carriers understand the Federal Motor Carrier Safety Administration's (FMCSA) role in compliance and how organizations are audited.

The FMCSA's Role in Compliance and the Audit Process

The FMCSA is a part of the Department of Transportation (DOT) and monitors a motor carrier's safety ratings to verify that they have basic safety measures in place. These safety measures help ensure compliance with safety regulations, hazardous materials protocols and general recordkeeping requirements. If a motor carrier does not meet the FMCSA's safety standards, the FMCSA can issue fines, reduce safety ratings, increase inspections or suspend the operations of a motor carrier until they fix the cited issues.

The FMCSA's main purpose is to prevent vehicle-related fatalities and injuries. To do this, the FMCSA has a few prevention tools they use. Chiefly, FMCSA auditors regularly conduct safety audits (also referred to as safety inspections or DOT safety audits) using criteria such as regulation compliance, on-road performance and investigative results to determine when motor carriers need an intervention (e.g., compliance fines).

The audit process is used to evaluate a motor carrier's basic safety management controls, ensuring they are operating safely in interstate commerce. The process is also used to identify motor carriers that have safety issues before the FMCSA grants them permanent registration.

Some of the data used in these audits can be found in the safety measurement system (SMS). This is a tool the FMCSA uses to identify motor carriers with safety issues based on safety ratings the motor carrier receives from audits, roadside inspections and accident information. The SMS is monitored by the FMCSA under a compliance and enforcement program called Compliance, Safety, Accountability (CSA). Motor carriers are subject to safety audits from the point they register for a USDOT number until they cease operations. These audits are both time consuming and comprehensive. Furthermore, DOT safety audits require a review of significant amounts of records and paperwork, and employers that are unorganized will struggle when navigating an audit. This guide, which is intended for any organization that uses passenger or property commercial motor vehicles (CMVs), is designed to help motor carriers understand the DOT safety audit process. Specifically, this guide will cover:

**SMS BASIC FACTORS
UNDER FMCSA**

**THE DIFFERENT TYPES
OF DOT SAFETY AUDITS**

**HOW DOT SAFETY
AUDITS ARE TRIGGERED**

**DETERMINING A
MOTOR CARRIER'S
SAFETY FITNESS**

**PREPARING MOTOR
CARRIERS FOR A DOT
SAFETY AUDIT**

**BEST PRACTICES FOR
DOT SAFETY AUDITS**

**HOW VIOLATIONS
ARE DETERMINED**

**UNDERSTANDING
CORRECTIVE
ACTION PLANS**

TYPES OF DOT SAFETY AUDITS THE FMCSA PERFORMS

Motor carriers can fall under four different types of safety audits. These audits are sometimes combined if the motor carrier meets the criteria for multiple audits. The four different types of audits are:

1

New entrant audits

3

Security audits

2

Compliance audits

4

Hazardous materials (hazmat) audits

New Entrant Audit

This audit is only for new DOT registrants. New entrant audits ensure that DOT registrants are using effective safety management controls. A new entrant will have a safety audit completed within 12 months of receiving a DOT number and beginning operations. New entrants are closely monitored by the FMCSA during their initial 18 months of operations through roadside inspections and safety auditing.

As part of a new entrant safety audit, an auditor will review a motor carrier's records to determine if the new entrant has all the necessary safety controls in place. The new entrant must follow FMCSA regulations, hazmat regulations and all recordkeeping requirements. They must operate safely, keep necessary records up to date, and conduct the required inspections and maintenance on CMVs.

A compliance review or intervention will occur for the new entrant any time FMCSA safety data indicates there is an issue (e.g., an accident). The new entrant will automatically fail a safety audit if any of the following violations are found:

Alcohol and Controlled Substance Violations

Alcohol and controlled substance violations that would cause a new entrant to automatically fail a safety audit include:

- The organization does not have a controlled substance and alcohol testing program.
- The organization does not have a random alcohol or controlled substance testing program.
- The organization uses a driver who has refused a required controlled substance and alcohol test.
- The organization knowingly uses a driver who has a blood alcohol content of 0.04% or greater.
- The organization uses a driver who has failed to complete a required follow-up after a positive controlled substance test.

Driver Violations

A motor carrier will fail a new entrant audit if they **knowingly** use a:

- Driver that does not have a valid commercial driver's license (CDL)
- Disqualified driver
- Driver that has a revoked, suspended or cancelled CDL
- Medically unqualified driver

Operation Violations

Violations that arise from operations that would cause a new entrant to automatically fail a safety audit include:

- The organization fails to record hours of service (HOS).
- The organization does not have the required level of insurance while operating a CMV.

Repairs and Inspections Violations

Repairs and inspection violations of fleet vehicles and equipment that would cause a new entrant to automatically fail a safety audit include:

- Operating out of service (OOS) vehicles before they are repaired
- Failing to repair OOS requests that arise from driver or vehicle inspection reports
- Failing to inspect vehicles annually

If the new entrant is able to pass a safety audit and show they have been operating safely for at least 18 months, they are granted permanent operating authority. However, they will continue to be monitored under the CSA enforcement program. If the new entrant fails the safety audit, they must develop and implement a corrective action plan to avoid revocation of their DOT registration number.

Compliance Review Audit

Compliance review audits are the second most common audits a motor carrier may undergo. This type of audit is normally initiated when the FMCSA finds that the motor carrier is not practicing safe management controls.

In these situations, the FMCSA will request to review the motor carrier's operations and records to determine if FMCSRs are being followed. A compliance review audit may be triggered following a poor SMS rating resulting from Behavior Analysis and Safety Improvement Categories (BASICS) scores (this is covered in more detail [here](#)), a request to change a current safety rating, a substantial accident, roadside inspections and complaints.

Motor carriers that undergo a compliance review audit will receive a safety rating based on the investigation of their organization. There are four safety ratings motor carriers can receive:

1. **Satisfactory Safety Rating**—This is used when the motor carrier's safety management controls are in order, functional and acceptable according to the FMCSA..
2. **Conditional Safety Rating**—This is used when the FMCSA does not think that the safety management controls are adequate and **could result** in [49 CFR Part 385.5](#) violations.
3. **Unsatisfactory Safety Rating**—This is used when there are not adequate safety management controls in place to maintain compliance with safety fitness standards, which has resulted in occurrences listed in [49 CFR 385.5](#).
4. **Unrated Safety Rating**—This is used when the motor carrier has not been assigned a safety rating yet by FMCSA, which means they have yet to undergo an audit.

Security Audit

Security audits are completed to monitor a motor carrier's DOT security plan. Security plans are often needed when a motor carrier transports certain hazardous material. This why the security audit normally goes hand in hand with a hazmat audit.

At a minimum, the security plan must include personnel security measures, unauthorized access measures, en route security measures, training for hazmat employees, security duties for each employee role and a written risk assessment.

Hazmat Audit

This audit is completed by the FMCSA to determine if a motor carrier is compliant with the FMCSRs while they haul hazardous materials. There are several hazmat regulations motor carriers must comply with due to the significant safety issues of transporting such materials.

Motor carriers are unable to transport hazardous materials unless they are registered and permitted to do so. When a hazmat audit is being completed, the auditor will typically look at hazmat training, labeling procedures and shipping documentation.

Motor carriers have several obligations when it comes to transporting hazardous materials. Key responsibilities include:



Providing and maintaining shipping papers



Placarding and marking vehicles appropriately



Loading and unloading materials properly



Recording and reporting incidents properly



Implementing and following a security plan



Providing employee training

It's important for motor carriers to abide by all federal regulations if they are to receive a satisfactory rating for a hazmat safety audit. To help determine what areas a motor carrier may need to improve, the FMCSA provides a [compliance questionnaire](#).

WHAT TRIGGERS A DOT AUDIT?

Audits occur for specific reasons. Understanding what happened to warrant an audit depends on the type of audit being completed.

New Entrant Audit

New entrant audits are often triggered when carriers start operating for the first time. A new entrant must have a safety audit completed within 12 months of receiving a DOT number and beginning operations.

Another reason these audits occur is if the new entrant is found to not have proper safety management controls and FMCSA data shows there is need for an intervention. The intervention could result from an accident, a roadside inspection that places the equipment OOS or instances where a motor carrier did not pass the new entrant safety audit. If a motor carrier does not pass a new entrant safety audit, they will undergo more auditing so the FMCSA can ensure the motor carrier is practicing the proper safety management controls.

Other Audits

If a compliance review, security audit or hazmat audit is triggered, it's likely due to a poor SMS rating, a request from a motor carrier to change their current safety rating, a substantial accident, poor performance on roadside inspections or complaints made by employees. A hazmat audit and a security audit may also be initiated due to a significant spill or security issue.

RECEIVING A SAFETY AUDIT NOTICE

Motor carriers will receive notice in the mail from the FMCSA that an audit is being requested. This notice will outline the necessary steps a motor carrier must take.

The request will likely include what documents the auditor is requesting to review. The best thing a motor carrier can do is to respond to the request in a timely manner and provide all the information that has been requested. The notice may request the employer to submit the information through the FMCSA's online [portal](#) or have it ready for review when the auditor visits the motor carrier's facility.

When the auditor is present at the motor carrier's facility, it's important for the carrier to be courteous and provide all information requested. It's also important for the carrier to only answer questions the auditor asks as to not divulge more information than necessary. When the auditor visits the facility, the carrier should place them in a room they can stay in comfortably for the entirety of their visit. This room should be a conference room or an area that has limited access to operations in the facility.

Being prepared for an audit is an important. The FMCSA gives notice of safety audits and, therefore, a motor carrier should make sure they have the information and documentation readily available when the auditor is on-site. When a motor carrier is unorganized, it reflects poorly on them, and the auditor could end up requesting more documentation as a result.

SMS BASIC FACTORS UNDER THE FMCSA

The FMCSA uses the CSA as a safety monitoring tool to determine if carriers need an intervention due to their safety ratings. The CSA leverages the SMS to calculate data received from safety monitoring practices. That data is then placed into one of seven BASICs as follows:

1. Unsafe Driving
2. Crash Indicator
3. HOS Compliance
4. Vehicle Maintenance
5. Controlled Substances/Alcohol
6. Hazmat Compliance
7. Driver Fitness

The FMCSA measures a motor carrier's performance under each one of these BASICs, assigning the carrier a score and prioritizing riskier fleets for interventions (e.g., warning letters, investigations and fines). Scores are based upon roadside, on-site and off-site inspection results and are reflected as a percentage rank from 0 to 100. The higher the percentile, the worse the safety performance. This percentage is then compared to a predetermined threshold the FMCSA uses to flag problematic fleets and take corrective action. If a carrier scores at or above this threshold, interventions like a warning letter or—if there's no improvement—on-site inspections can occur.

The SMS also uses acute and critical violations to determine interventions. If a motor carrier has any acute or critical violations, they will show up under one of the BASIC factor ratings (whichever it applies to) and the carrier will be notified of the problem.

Overview of the BASIC Categories

The FMCSA measures a motor carrier's performance under each one of the following BASICs:

Unsafe Driving

The [Unsafe Driving BASIC](#) addresses FMCSR requirements 49 CFR Parts [392](#) and [397](#), and aims to prevent the dangerous and careless operation of CMVs. Some examples of dangerous operation include speeding, not wearing a seatbelt, talking on a phone without a headset while driving and texting while driving. For the Unsafe Driving BASIC, the intervention threshold is 65% for general carriers, 50% for passenger carriers and 60% for hazmat carriers.

Crash Indicator

The FMCSA defines the [Crash Indicator BASIC](#) as histories or patterns of high crash involvement. It takes into consideration the frequency and severity of crashes, and it's based on information from state-reported crashes that meet [reportable](#) crash standards.

The Crash Indicator BASIC is unique in the CSA program, as it's not based on violations, but instead focuses on crashes that were preventable from the driver's standpoint. Simply put, the Crash Indicator BASIC can be thought of as how often a motor carrier is involved in preventable crashes.

HOS Compliance

Specifically, the [HOS Compliance BASIC](#) addresses FMCSR requirements 49 CFR Parts [392](#) and [395](#), and aims to prevent drivers from operating a CMV if they are ill, fatigued or not complying with HOS regulations.

Violations that can cause carriers to score poorly under this BASIC include:

- Allowing drivers to operate more hours than allowed under HOS regulations
- Falsifying logs or a record of duty status (RODS)

Managing HOS not only prevents driver fatigue and decreases the likelihood of an on-the-road incident, it also allows motor carriers to meet specific requirements set forth by the FMCSA. For example, the electronic logging device (ELD) mandate is another layer of compliance motor carriers need to consider if they are to keep their HOS Compliance BASIC scores low.

Once an HOS violation has been categorized, it's weighted on both time and severity. The intervention threshold for the HOS Compliance BASIC is 65% for general carriers, 50% for passenger carriers and 60% for hazmat carriers.

Vehicle Maintenance

The [Vehicle Maintenance BASIC](#) addresses FMCSR requirements 49 CFR Parts [392](#), [393](#) and [396](#), and aims to prevent violations like:

- Inspection issues (e.g., failing to perform pre-trip inspections)
- Vehicle maintenance issues (e.g., operating a vehicle with poor brakes, broken lights or faulty tires)
- Shifting loads and load securement issues
- Spilled or dropped cargo
- Overloading a CMV

Any one of these violations can lead to a vehicle being placed OOS. What's more, vehicle maintenance is the most cited BASIC during roadside inspections, making it all the more important to understand how the score is calculated and ways to lower it.

The Vehicle Maintenance BASIC is weighted on both time and severity. For the this BASIC, the intervention threshold is 80% for general carriers, 65% for passenger carriers and 75% for hazmat carriers.

Controlled Substances/Alcohol

The [Controlled Substances/Alcohol BASIC](#) addresses FMCSR requirements 49 CFR Parts [382](#) and [392](#), and aims to prevent the operation of CMVs by drivers who are impaired by alcohol, illegal drugs, or the misuse of prescription or over-the-counter medications.

Examples of violations that may cause a motor carrier to score poorly in this BASIC include:

- A driver fails an alcohol test (e.g., driver has an alcohol level of 0.04% or greater).
- A driver is caught operating under the influence of illegal drugs.

- A driver consumes an intoxicating beverage within four hours of operating a motor vehicle.
- The carrier fails to implement an alcohol or controlled substance testing program.

The purpose of this BASIC is simple—drivers must not be in possession of alcohol or controlled substances, nor should they be under the influence while on duty or operating a CMV.

This is another BASIC that is weighted on both time and severity. For the Controlled Substances/Alcohol BASIC, the intervention threshold is 80% for general carriers, 65% for passenger carriers and 75% for hazmat carriers.

Hazmat Compliance

The [Hazmat BASIC](#) addresses FMCSR requirements 49 CFR [Part 397](#) as well as Hazardous Materials Regulations (HMRs) 49 CFR Parts [171-173](#) and [177-180](#). This BASIC ensures that hazardous materials are safely transported by CMVs.

Examples of violations that may cause a motor carrier to score poorly in this BASIC include:

- A driver fails to mark, label or placard according to FMCSA regulations.
- A driver improperly secures a package that contains hazardous materials.
- A container of hazardous materials is found leaking.
- A truck is equipped with a cargo tank that does not comply with hazmat regulations.

The Hazmat BASIC is unique in that it may not apply to all motor carriers. What's more, unlike other BASICs, it applies to both intrastate and interstate carriers. For the Hazmat BASIC, the intervention threshold is 80%, so if a motor carrier cannot improve their safety rating to 80% then there will likely be some type of intervention.

Driver Fitness

Specifically, the [Driver Fitness BASIC](#) addresses FMCSR requirements 49 CFR Parts [383](#) and [391](#), and aims to identify drivers who are unfit to operate a CMV due to lack of training, experience or medical qualifications.

Violations that can cause carriers to score poorly under this BASIC include:

- A driver does not have a valid CDL.
- A driver is medically unqualified to operate a CMV.
- A driver does not have a medical card.
- A driver is operating a CMV while disqualified.

Driver Fitness is one of the most misunderstood BASICs, and many drivers believe it only relates to their physical fitness and wellness. It's crucial for carriers and their employees to educate themselves on the Driver Fitness BASIC. This is especially important when considering that many CSA red flag violations (violations that have the potential to trigger an investigation) relate to driver fitness.

The intervention threshold for the Driver Fitness BASIC is 80% for general carriers, 65% for passenger carriers and 75% for hazmat carriers.

DETERMINATION OF A MOTOR CARRIER'S SAFETY FITNESS

To meet the FMCSA's safety fitness standard [49 CFR 385.5](#), a motor carrier must demonstrate that it has adequate and effective safety management controls in place to ensure compliance with the FMCSRs and HMRs that apply to its operation. Put another way, motor carriers must meet this standard to obtain a satisfactory safety rating.

If a motor carrier obtains a satisfactory safety rating, it means they have the appropriate safety management controls in place to follow the applicable safety requirements. The safety rating points are as follows:



During a safety audit, an auditor will determine if the motor carrier has proper and adequate safety management controls in place to show minimum compliance with safety regulations. The FMCSA does this by reviewing safety audit evaluation criteria, which uses information from roadside inspections and data from safety audits.

The FMCSA's review of a motor carrier's documentation includes, but is not limited to, the following:

- Driver qualification (DQ) files
- RODS
- Vehicle maintenance records
- Driver vehicle inspection reports (DVIRs)
- Recordable accidents register

All these documents are reviewed to determine compliance with FMCSRs and HMRs.

As discussed in the SMS BASICS [section](#), the SMS uses the BASICS to determine safety ratings for specific categories. These safety ratings are also influenced by acute and critical violations. Acute and critical violations are flagged on the carrier's safety ratings as a yellow triangle with an exclamation point in the middle. This symbol prioritizes the motor carrier for an intervention or further monitoring. The FMCSA reviews acute and critical violations during on-site and off-site investigations.

During safety audits the FMCSA incorporates compliance with [acute and critical regulations](#) (section VII) of the FMCSRs and HMRs with the data found from the safety audit.

Acute Violations

Acute regulation violations—also referred to as a one-time occurrence violation—are those where the noncompliance is so severe that immediate corrective action by a motor carrier is required, regardless of the overall basic safety management controls they may have in place.

An example of an acute regulation violation would be allowing a CMV driver to operate a CMV without a CDL. In this example, the employer would or should have knowledge of this by completing a proper DQ file.

Critical Violations

Critical regulation violations are findings of noncompliance related to a breakdown of a carrier's management and/or operational controls. Critical violations indicate a pattern of violations (i.e., more than one occurrence).

An example of a critical regulation violation would be a motor carrier that fails to require a driver to submit a record of duty status. In order for a critical violation to affect BASIC scores:

- 1 Violations must be discovered in at least 10% of the motor carrier's records reviewed during an investigation; AND
- 2 A pattern of violations must be found in the records reviewed during an investigation.

FMCSA Regulatory Factors

There are six regulatory areas the SMS BASICs are developed from. These [factors](#) are what the FMCSA uses to determine the adequacy of a motor carrier's safety management controls:

FACTOR 1 GENERAL: PARTS 387 AND 390	FACTOR 2 DRIVER: PARTS 382, 383 AND 391	FACTOR 3 OPERATIONAL: PARTS 392 AND 395	FACTOR 4 VEHICLE: PART 393, 396 AND INSPECTION DATA FOR THE LAST 12 MONTHS	FACTOR 5 HAZARDOUS MATERIALS: PARTS 171, 177, 180 AND 397	FACTOR 6 ACCIDENT: RECORDABLE ACCIDENT RATE PER MILLION MILES.
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If the combined violations of acute and critical regulations for Factors 1 through 5 are equal to three or more points, the FMCSA will determine that a motor carrier does not have basic safety management controls in that particular factor.

For factor 6, if the motor carrier has a recordable accident rate of more than 1.7 recordable accidents per million miles for an urban carrier (1.5 for all other carriers), the motor carrier is determined to have inadequate basic safety management. If a motor carrier is determined to have inadequate safety management controls in at least three of these separate factors, corrective action will be necessary to prevent revoking new entrant registration, provisional operating authority or certificates of registration.

All violations will be added up. For each finding of noncompliance for an acute regulation, there will be 1.5 points assessed. For each finding of noncompliance of critical regulations found, there will be 1 point assessed. Once the factors are all rated, the points are added up and then entered into a rating table shown below, establishing the motor carrier's safety rating.

Factor Ratings		Overall Safety Rating
Unsatisfactory	Conditional	
0	2 or fewer	Satisfactory
0	More than 2	Conditional
1	2 or fewer	Conditional
1	More than 2	Unsatisfactory
2 or more	0 or more	Unsatisfactory

PREPARING FOR A DOT SAFETY AUDIT

When a motor carrier receives a notice that they will undergo a DOT safety inspection, it's important for them to be organized and efficient. In their request for an audit, auditors will indicate:

- 1 What type of audit is being requested
- 2 Whether the audit will occur on-site or if the FMCSA is simply requesting that specific documents be submitted via mail or [FMCSA portal](#)
- 3 What documents will be required for the inspection

The auditor's request helps give the motor carrier an idea of what the auditor will be looking at. However, motor carriers should be aware that more information could be requested if needed. In general, audits could last as long as a week or more.

Federal Motor Carrier Safety Regulations

All motor carriers should have an updated copy of the FMCSRs. This is necessary so carriers can reference the regulations if there are any questions. A motor carrier should have this on hand or have access to these regulations regardless of whether there is a safety inspection.

Motor Carrier Documentation

Motor carriers should have the organization's informational documents ready to be presented when an auditor requests them. This documentation can include:

- An organization's gross revenue for the last full year
- Total fleet mileage for the last full four quarters
- A copy of the MCS-90 liability insurance endorsement (for-hire and hazmat carriers only)

This information is used to determine the classification of the motor carrier, to assess whether the motor carrier is abiding by the financial regulations of the FMCSA and to place the motor carrier in the correct category for safety ratings.

Driver and Vehicle Documentation

When an auditor arrives to a motor carrier's facility, the motor carrier should be ready to provide the required documentation the auditor requested in the notice a few weeks prior. This is normally an extensive list, and the motor carrier should have it readily available for the auditor. The documentation that will likely be requested is listed below.

Driver Lists

An auditor will request a list of drivers that are currently employed by the motor carrier. This list should include:

- The driver's full name
- The driver's date of birth
- The driver's license number and state
- The driver's date of hire

This information should be presented in a format that's easy to read and where all applicable information is readily available. It can be helpful to keep a running spreadsheet so the information can be easily updated. A sample can be found below.

Last Name:	First Name:	Date of Birth:	Date of Hire:	License Number:	License State:
Doe	John	01/01/1975	02/03/04	S568-5523-9236	WI

In addition to the list of current drivers, the auditor will ask for a list of former drivers the motor carrier has used in the past 365 days. That list should include the dates of hire and termination for each driver.

A driver's license information is requested to show that the driver is licensed to operate the specific type of motor vehicle they were hired to drive. This means that a driver has to have a valid driver's license with the proper endorsements to operate a CMV. The license could be an operator's license issued by a state, a CDL, a Canadian license or a licencias federales de conductor issued by the Mexican government.

An operator license (regular driver's license) is required to operate vehicles that have a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000-26,000 pounds (including a towing vehicle). One is also required for driving transport 8-15 passenger vehicles for compensation.

A CDL is required for drivers operating a CMV with a GVWR or GCWR of 26,001 pounds or more. These weight ratings include towed trailers or vehicles. The CDL requirement also applies to transport vehicles carrying 16 or more passengers (for hire or privately) and those that transport placardable amounts of hazardous materials.

Driver Records of Duty Status

Drivers must record their on- and off-duty time for each 24-hour period. This can be done by keeping paper logs or by using an ELD. ELDs are electronic devices that automatically record on- and off-duty time. Only compliant ELDs that meet technical specifications of the ELD FMCSA rule can be used. That information can be found on the FMCSA website [here](#).

The FMCSA required most applicable motor carriers to switch over to ELDs on December 17, 2017. However, drivers that are still able to keep paper RODS include:

- Drivers who keep RODS for no more than eight days during a 30-day period
- Driveaway or towaway drivers (if the vehicle being driven is part of a shipment, motor home or a recreational vehicle trailer)
- Drivers operating vehicles manufactured prior to model year 2000

Supplemental materials referenced in this section:

- ❑ [RODS Sample](#)

Retention

RODS logs must be **retained for six months**. This includes supporting documents that could be asked for in a safety audit. Supporting documents that could be requested include:

- Toll receipts
- Fuel receipts
- Bills of lading
- Trip reports

Motor carriers are required to retain up to eight supporting documents for each 24-hour period that a driver is on duty. The driver must submit these supporting documents to the motor carrier within 13 days.

RODS Exemptions

There are two exemptions from driver's RODS—the 150 air-mile rule and the non-CDL, short-haul exception.

The 150 air-mile rule applies if:

- ✓ A driver operates within a 150 air-mile radius of the normal work location;
- ✓ A driver returns to the normal work location and only works for 12 consecutive hours;
- ✓ A driver has at least 10 consecutive hours off duty when operating a property-carrying CMV to separate the 12 hours on duty;
- ✓ A driver has at least eight consecutive hours off duty when operating a passenger-carrying CMV to separate the 12 hours on duty; and
- ✓ The motor carrier maintains accurate and required time records for six months.

Under FMCSA rules, the non-CDL, short-haul exception for property-carrying CMVs applies when:

- ✓ Drivers operate a truck that does not require a CDL;
- ✓ Drivers work within a 150 air-mile radius of their normal work reporting location and return there each day;
- ✓ Drivers follow the 10-hour off-duty and 11-hour driving requirements;
- ✓ Drivers do not drive after the fourteenth hour after coming on duty on five days of any period of seven consecutive days;
- ✓ Drivers do not drive after the sixteenth hour after coming on duty on two days of any period of seven consecutive days; and
- ✓ Motor carriers maintains accurate and required time records for six months.

Motor Vehicle Accident Files and Register

Auditors will ask for motor vehicle accident files for the **past 365 days**. These files may be requested in the form of an accident register.

An accident register is a log that motor carriers should use to document their recordable accidents. An accident is recordable when a vehicle was towed from the scene or there was an injury or fatality. These records need to be **retained for three years** by the motor carrier.

In general, the accident register should include:

- The date and hour of the accident
- The location of the accident, including the street, city and state
- The number of deaths (if applicable)
- The number of non-fatal injuries
- Whether there were hazardous materials transported or involved
- The driver's name
- A copy of the state or insurance report of the accident

Supplemental materials referenced in this section:

☐ [Accident Register Sample](#)

Vehicle Lists

Motor carriers need to keep lists of current equipment that is used in their fleet. This list should include the equipment, the equipment number assigned by the organization, the year, make and vehicle identification number.

In addition, motor carriers should document the license plate state, equipment number and whether the equipment is company owned or owner-operator owned. This vehicle list assists the auditor when reviewing the vehicle inspection reports.

Supplemental materials referenced in this section:

☐ [Sample Vehicle List](#)

Driver Vehicle Inspection Reports

DVIRs—also known as post-trip inspections—are reviewed by auditors during safety audits to determine if equipment is properly maintained and inspected when drivers submit issues. The auditor normally requests 90 days or three months' worth of DVIRs.

Under FMCSA regulations, drivers no longer have to turn in DVIRs unless they are made aware of or discover any vehicle defects or deficiencies. Motor carriers are required to retain DVIRs for a period of three months from the time the record is submitted by the driver.

Drivers must complete a DVIR for each unit or combination of truck or trailer that is operated during the shift. While there is no specific method for documenting the DVIR, drivers must include the date, vehicle number, their signature, a mechanic's signature who repaired the vehicle and the signature of the driver who will use the equipment next to confirm the repairs were made.

Supplemental materials referenced in this section:

- ☐ [DVIR Sample](#)
- ☐ [Vehicle Inspection Report Sample](#)

Vehicle Maintenance Records

Auditors will ask to see a motor carrier's vehicle maintenance records. This shows the auditor that the motor carrier is completing and tracking the maintenance done to fleet vehicles.

These records must include the annual inspections required for each vehicle. Along with the vehicle maintenance log, there should be documentation from the roadside inspections. Most times, an auditor will want to see the maintenance records and roadside inspections documents for the previous 365 days.

Motor carriers must also have their vehicles inspected every 12 months by a qualified certified inspector. Most times, a motor carrier has someone on staff who is certified to perform this function. To be an inspector, an individual must:

- Understand the inspection criteria under the FMCSRs;
- Be trained on or have experience in motor vehicle equipment maintenance programs by being an inspector for the state or federal government; and
- Have mastered the methods, procedures, tools and equipment used when performing an inspection. Motor carriers should retain evidence of the qualified inspector's certification and be ready to present it if requested.

When a vehicle is inspected, the inspection must be documented by a report, sticker or decal. The report must include the person performing the inspection, the name of the motor carrier operating the vehicle, date of the inspection, identification of the vehicle inspected and what components were inspected, the results of the inspection, and certification of the accuracy and completeness of the inspection.

If a CMV does not have an inspection completed every 12 months, the vehicle must be placed OOS until the inspection has been completed.

Supplemental materials referenced in this section:

- ☐ [Vehicle Maintenance Annual Inspection Report](#)

Driver Qualification Files

Motor carriers must maintain DQ files on their drivers. These files contain a significant amount of information—information that’s necessary for motor carriers to have on hand if they are to abide by FMCSA regulations.

The information needed in a given driver’s DQ file depends on whether or not the driver is a CDL driver. DQ files are necessary for CDL drivers and interstate non-CDL drivers of vehicles with a GVWR of between 10,001 and 26,000 or a CGVWR of between 10,001 and 26,000 pounds. DQ files are also required for non-CDL interstate drivers who transport hazardous materials, more than eight passengers for pay or more than 15 people without pay. Motor carriers are encouraged to check their state agency requirements for non-CDL drivers who are strictly intrastate drivers (e.g. drivers that do operate a CMV outside the state).

When it comes to DQ files, it’s important that they are properly organized and maintained. During a safety inspection, the auditor will pull a random sampling of these files to review their contents. In these instances, compliance issues may arise if motor carriers aren’t properly prepared with a strong DQ file. Some of these files may go back years and practices may not have been consistent. As such, it’s important to review these files to ensure they contain all the required documentation.

The sections below list all the documentation needed in a DQ file, when to update the records and how long those records must be retained. In general, a DQ file must be kept for the length of a driver’s employment and three years from the date of termination of the driver.

Driver’s Application for Employment

A driver’s application for employment must be kept in the DQ file. A driver will not be able to operate a motor carrier’s CMV unless the employment application has been completed and signed. This information must be retained for the duration of the driver’s employment and then for three years after their termination.

The application for employment must contain specific requirements listed by the FMCSA. These requirements include:

- The name and address of the employer
- The applicant’s name, address, date of birth and Social Security number
- Any addresses the applicant has resided at for the previous three years from the date of the application
- The date the application was submitted
- The state, number and expiration date of the CDL or permit of the applicant (permit or license must be unexpired)
- The nature and extent of the applicant’s experience in the operation of CMVs and what types of equipment the applicant has experience operating
- A list of all motor vehicle accidents the applicant has been involved in within the previous three years from the application date (this includes the date and nature of the accident as well as the extent of injuries resultant of each accident)

- A list of all motor vehicle violations the applicant was convicted of within the previous three years from the date of application (this excludes parking violations)
- A statement that explains any revocation, suspension, denial of any license, permit or privilege to operate a motor vehicle. If no such incident occurred, applications should include a statement stating as such.
- A list of employers for the previous three years (from the date of application) that contains dates, reasons for leaving and whether the applicant was subject to the FMCSRs while employed (this timeframe increases to 10 years if the applicant is applying to operate a CMV)
- Whether the job was designated as a safety-sensitive function by the DOT, subject to an alcohol and controlled substance program and testing requirements
- A specific certification and signature line that appears at the end of the application form

Supplemental materials referenced in this section:

- ❑ [Driver's Application Sample](#)

Driver's Road Test Certificate

A driver will receive a copy of their road test [certificate](#), and the motor carrier will keep the original for the driver's file (if they performed the road test). In place of the original road test certificate, a driver may present and the motor carrier may accept a copy of the driver's CDL or a valid certificate of a driver's road test issued within the past three years. This information needs to be retained for the duration of the driver's employment and then for three years after the driver's termination.

Supplemental materials referenced in this section:

- ❑ [Driver's Road Test Certificate](#)

Previous Employment History

Motor carriers must investigate a driver's previous employment history. This history must go back three years.

The motor carrier will issue a written request for this history to past employers and retain a record of that request within the driver's DQ file along with all the response documentation they receive. This request must be made within 30 days of the driver being employed with the motor carrier. This information needs to be retained for the duration of the driver's employment and then for three years after termination.

If the previous employer does not respond to the request, the new employer should document the previous employer's name and address, the date the previous employer was contacted and the information received about the driver from the previous employer. The current employer should also document the reason there is no employment information for that employment period, keeping that information with the driver's investigation file in a secure location with limited access. Documenting that the previous employer did not provide any information and maintaining proof of a request for information (along with a list of all the avenues the current employer took to try to obtain the information) shows a good faith effort to obtain the required information.

Safety Performance History Records

Motor carriers must make an inquiry with previous employers regulated by the DOT regarding the driver's safety performance. This investigation will help the motor carrier weed out drivers with unsafe driving behaviors. The request for records should go to all the employers for the driver's previous three years of employment history.

Supplemental materials referenced in this section:

- ☐ [Safety Performance History Records Request](#)

Driver's State Motor Vehicle Records

Motor vehicle records (MVRs) must be obtained by motor carriers annually from the state that a driver held a CDL. Motor carriers must review the records to determine if the driver is still in compliance with the FMCSRs and is qualified to continue driving. After checking the records, the motor carrier must put the reviewer's name and date on the MVR to indicate it was inspected. These records must be kept in the DQ file for three years from the date the review was completed.

In addition to pulling the MVRs annually, the motor carrier must contact the state for a driver's MVR for the previous three years when a new driver begins employment. This request must be made within 30 days of the driver's hire date. Motor carriers must retain the three-year MVR throughout the duration of the driver's employment and then for another three years after their termination.

Supplemental materials referenced in this section:

- ☐ [Inquiry to State Agency for MVR History](#)
- ☐ [Annual Review of Driving Record](#)

Controlled Substance and Alcohol Documentation

When hiring a new driver, the motor carrier must ask the driver if they have tested positive or refused to test on any controlled substance or alcohol test within the previous three years. The motor carrier must obtain the driver's written consent to request the following information:

- Alcohol tests with a result of 0.04% or higher concentration
- Verified positive controlled substance tests
- Refusals to be tested (this includes adulterated and substituted controlled substance test results)
- Any other violations of DOT controlled substance and alcohol testing regulations
- Any documentation of a driver's successful completion of DOT return-to-duty requirements, including follow-up tests (if the driver has violated a DOT controlled substance and alcohol regulation)

The written consent must be sent to all the employers the motor carrier is requesting information from. This information, once received, should be reviewed by the motor carrier prior to the driver performing any safety-sensitive functions. The information must be retained for **three years from the date of the driver's first performance of safety-sensitive duties** for the motor carrier.

Lastly, the motor carrier must ask the driver if they have tested positive or refused a test on any preemployment controlled substance or alcohol test for safety-sensitive work the driver applied for, but did not obtain within the last two years. If the driver admits they tested positive or refused a controlled substance and alcohol test, they are not allowed to perform any safety-sensitive functions until or unless the driver documents a successful completion of the return-to-duty requirements.

Supplemental materials referenced in this section:

- ❑ [Pre-employment Controlled Substance and Alcohol Questionnaire](#)

Driver's Certification of Violations

Drivers must submit to a motor carrier a list of any and all **convicted** violations of any motor vehicle traffic laws and ordinances within the previous 12 months. The motor carrier will then compare this list to the MVR report they retrieve from the state. This requirement does not apply to parking tickets that a driver received.

Any driver who has provided information about a conviction of violating a state or local law relating to motor vehicle traffic controls in a state they are not licensed does not need to repeat that information in the annual list of violations. This information includes violations while operating any type of motor vehicle.

Supplemental materials referenced in this section:

- ❑ [Annual Driver's Certification of Violations Sample](#)

Medical Examination Certificate

Drivers must be fit and healthy to drive CMVs. For motor carriers, failing to have physically fit drivers could lead to significant liability. This is why the FMCSA requires drivers to pass a physical examination once every 24 months if they are to continue working within safety-sensitive functions. This examination must be completed by a licensed medical examiner listed on the National Registry of Certified Medical Examiners.

A medical examiner has the authority to request that a driver be examined more frequently than 24 months. This will be noted on the driver's medical certificate and must be followed. Any driver that has had an injury or illness that would interfere with their driving abilities must undergo another examination prior to being able to drive again. A note must be in the DQ file stating the medical examiner was listed on the [National Registry of Certified Medical Examiners](#).

Motor carriers that employ a CDL driver must obtain the driver's medical certification status from the Commercial Driver's License Information System (CDLIS). The record must be for the current licensing state and placed in the DQ file. If a [non-excepted](#), interstate CDL driver does not have their medical certification information on the CDLIS, then they are considered "not certified" to operate a CMV in interstate commerce. For more information concerning specific medical certification questions please visit [here](#).

Supplemental materials referenced in this section:

- ❑ [Medical Examination Certificate Sample](#)

Specific Situation Documentation

All drivers with less than one year of experience must have an entry-level driving certificate in their DQ file. This documentation must be made available within two days after a request has been made by the FMCSA. Entry-level driving documentation must be kept for the length of the driver's employment and then for a year after their termination.

Drivers must have a longer combination vehicle training certificate in their DQ file. A driver will not be able to operate a longer combination vehicle unless they have had the proper training or have been grandfathered in. This document should be retained for the duration of the driver's employment and three years after their termination.

Prior to using a driver who is used by other motor carriers during any seven consecutive days (referred to as a "multiple-employer driver"), motor carriers must obtain certain information about the driver. This information includes:

- The driver's name
- The driver's Social Security number
- The ID type
- The ID number

- The state issuing the CMV license

This information must be maintained by the motor carrier for the term of employment and three years after the multiple-employer driver's employment ends.

For a checklist of the requirements for a DQ file please refer to the FMCSA [website](#).

Supplemental materials referenced in this section:

- ☐ [Entry-level Driving Certificate](#)
- ☐ [Longer Combination Vehicle Training Certification](#)
- ☐ [Driver Qualification File Checklist for Multiple-employer Drivers](#)

DOT Controlled Substance and Alcohol Policy Requirements

The DOT controlled substance and alcohol [requirements](#) apply to individuals in safety-sensitive positions. The purpose of the program is to help prevent accidents and injuries that result from the prohibited use of controlled substances and alcohol while operating a CMV. The regulations apply to employers who hire people who operate a CMV.

Motor carriers need to retain controlled substance and alcohol records of the drivers tested to show they are abiding by the DOT controlled substance and alcohol regulations. Not having a controlled substance and alcohol program will constitute an automatic failure of a safety audit. There are a few exceptions that apply to employers and drivers concerning the applicability of the DOT controlled substance and alcohol testing. Those exempt include:

- Drivers who comply with the alcohol and controlled substance testing requirements of the Federal Transit Administration alcohol and controlled substance testing regulations
- Military drivers in a state that has waived them from the requirements
 - This may include active-duty military personnel, members of the reserve, members of the National Guard on active duty or active-duty U.S. Coast Guard personnel.
- Operators of a farm vehicle that is:
 - Controlled and operated by a farmer, including operation by employees or family members
 - Used to transport any combination of agricultural products, farm machinery and farm supplies to or from a farm
 - Not used in the operations of a for-hire motor carrier
 - Used within 150 miles of the farmer's farm
 - Listed in "covered farm vehicles" under 49 CFR [390.5](#).
- Firefighters or other persons that operate CMVs for the preservation of life or property or who perform emergency governmental functions

The DOT controlled substance and alcohol regulations also identify who is subject to testing, when they should be tested and in what situations testing occurs. Employers must notify a driver that the alcohol or controlled substance test is required by DOT regulations under 49 CFR [Part 382](#). Testing programs

must be started for all domestic-domiciled employers when the employer begins CMV operations. All foreign-domiciled employers must start their programs when they begin CMV operations in the United States.

Different types of records must be retained for different timeframes. The FMCSA has a required retention schedule that is shown in the chart below.

FMCSA Controlled Substance and Alcohol Record Retention Table	
Negative controlled substance and alcohol test results (concentration under 0.02%)	1 year
Documentation related to the controlled substance and alcohol collection process	2 years
Previous employers' records	3 years
Annual management information system reports; Employee evaluation and referrals to substance abuse professionals; Follow-up testing and schedules; Refusals to test; Alcohol tests (with concentration greater than 0.02%); Verified positive controlled substance test results; and Controlled substance and alcohol equipment calibration documentation	5 years
Education and training records	Time while employed, plus 2 years after termination

Supplemental materials referenced in this section:

❏ [Controlled Substance and Alcohol Testing Paperwork Sample](#)

There are six required tests that employers are required to complete. These tests are used to determine whether CDL drivers are misusing controlled substances or alcohol while performing safety-sensitive functions. The required testing for controlled substances and alcohol are done:



Pre-employment Testing

The FMCSA [requires](#) this testing to occur prior to a driver performing safety-sensitive functions for the motor carrier. A motor carrier must ask applicants if they have ever tested positive or refused a test on any preemployment alcohol or controlled substance test where the employee applied but did not obtain the safety-sensitive position.

Controlled Substance Testing

A motor carrier is not able to use a driver for safety-sensitive functions unless the employer has received a controlled substance test from a medical review officer or a consortium/third-party administrator indicating a verified negative test result. A motor carrier **does not** have to administer a controlled substance test to the new driver if:

- The driver has participated in a controlled substance testing program within the past 30 days that meets DOT testing requirements; OR
- While participating in that program, the driver was tested for controlled substances within the past six months from the date of the application of employment, or the driver participated in a random DOT controlled substances testing program for the previous 12 months from the date of application with the new motor carrier; AND
- The motor carrier ensures that no prior employer of the driver has knowledge/record of controlled substance violations of preemployment rules or any other DOT controlled substance rules within the previous six months.

If a motor carrier decides to use the exception above, they must contact and obtain the information from the controlled substance testing programs the drivers had previously participated in and retain that information for their records. The information should include the name and address of the program, verification of the driver's participation and that the program conforms to DOT regulations, confirmation that the driver did not refuse any tests, the date the driver was last tested, and any results of tests taken within the prior six months, including any other violations.

Alcohol Testing

When a motor carrier is performing preemployment alcohol testing under DOT regulations, it must:

- 1 Conduct the test prior to the driver (new or transferred) performing any safety-sensitive functions. The test must indicate an alcohol concentration of less than 0.04% when administered in order for the employee to begin safety-sensitive duties.
- 2 Test all safety-sensitive employees for pre-employment alcohol testing. Motor carriers cannot pick and choose the employees they test—they must be consistent with their testing practices.
- 3 Conduct pre-employment alcohol tests after making a contingent offer of employment subject to the outcome of the pre-employment alcohol test results.
- 4 Conduct all pre-employment alcohol tests using the alcohol testing procedures of [Part 40](#) of the DOT regulations.

Post-accident Testing

When a driver has an accident that involves a motor vehicle being operated on a public road while in commerce, the motor carrier must test all surviving drivers for controlled substances and alcohol, particularly if they were performing safety-sensitive functions with respect to the CMV. There are different [requirements](#) for each test that are explained below.

Alcohol Post-accident Testing

After an accident, motor carriers must test the participating driver for alcohol use, particularly if the accident involved a fatality or if the driver received a citation within eight hours of the occurrence under state or local laws for a moving traffic violation arising from the accident.

Carriers must test drivers who receive a violation if they are involved in an accident that causes bodily injury that requires immediate medical attention off-site or if any vehicle involved in the accident must be towed from the scene. No driver who is required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until they undergo a post-accident alcohol test, whichever occurs first.

If an alcohol test is required and is not administered within two hours of the accident, the motor carrier must document that and provide reasons as to why the testing was not completed within that time frame. The motor carrier can still test until the eighth hour after the accident. If the test can't be completed within eight hours of the accident, the motor carrier should not test and document the reason for the inability to test, retaining the information in case the FMCSA requests the information.

Controlled Substance Testing

Motor carriers must test their drivers who were performing safety-sensitive functions with respect to the CMV for controlled substances if they are involved in an accident with a fatality or if the driver receives a citation within 32 hours of the occurrence under state and local laws for a moving traffic

violation. Motor carriers must test drivers who receive a violation if they are involved in an accident that causes bodily injury that requires immediate medical attention off-site or if any vehicle involved in the accident must be towed from the scene.

If a controlled substance test is not administered within the required 32-hour time period following the accident, the motor carrier must not test and must document why they were unable to do so, stating the reasons explicitly. This documentation should be retained and provided if requested by the FMCSA. The chart below shows when a driver must be tested:

Outcome of CMV Accident	Citation Issued to CMV Driver	Test Must be Performed by Employer
Human fatality	YES NO	YES YES
Bodily injury with immediate medical treatment required away from the scene	YES NO	YES NO
Any motor vehicle being towed away due to damage	YES NO	YES NO

General Post-accident Requirements

A driver who is subject to post-accident testing must remain available for the testing, otherwise they can be deemed to have refused the testing. Although testing is required, motor carriers cannot delay medical attention. Motor carriers must provide CMV drivers with the proper post-accident information, procedures and instructions on what to do in case they are involved in accident.

The post-accident rules generally do not apply to incidents involving getting in or out of a stationary motor vehicle, loading or unloading of cargo, or operating a passenger car or multipurpose passenger vehicle.

Random Controlled Substance and Alcohol Testing

Under FMCSA [regulations](#), employers must conduct a minimum percentage of alcohol and controlled substance testing with their CDL drivers annually. If motor carriers do not conduct a proper number of tests, they will be in violation of the rules.

Minimum annual percentage rates for random **alcohol** testing should be **10%** of the average number of driver positions. Minimum annual percentage rate for random **controlled substance** testing must be **25%** of the average number of driver positions.

The FMCSA can change this minimum annual percentage rate for alcohol and controlled substance testing based on the reported violation rate for the entire industry. If the FMCSA does change the annual percentage rate for either test, the information will be published in the Federal Register. The new testing rates will become effective starting January 1 of the calendar year following their publication in the Federal Register.

Motor carriers should **ALWAYS** check the DOT [current random testing rates](#) to determine what percentage they must be testing to prevent violation of the FMCSA regulations.

Random selection is just that—random. The determination of which driver should be tested must be made by a scientifically valid method, which includes but is not limited to:

- A random-number table.
- A computer-based random number generator, which can use Social Security numbers, payroll identification numbers or other identifying numbers.

All drivers are entered into the pool when random tests are being selected so each driver has equal chance of being tested each time.

Employers must test a certain number of drivers throughout the year. In order to calculate that number, the employer must add the total number of eligible covered drivers for testing during each random period for the year, and divide the total by the number of random testing periods. If an employer is running random tests more than once a month, they do not need to compute the total of covered drivers testing rate more than once a month. Employers may use a service agent to conduct their random testing, but must monitor the process to make sure the appropriate number of drivers are being tested.

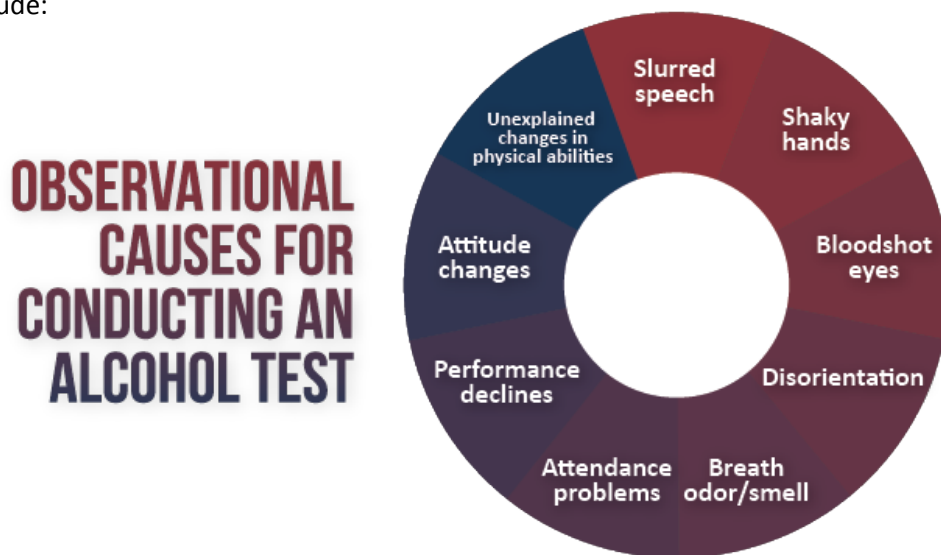
Random controlled substance testing should be completed at least quarterly, but the tests can be performed more frequently if the motor carrier desires. Random tests must be unannounced, and when a driver is notified of a test they must proceed to the testing site immediately or as soon as possible if the driver is performing a safety-sensitive function other than driving.

Employers can only randomly test drivers for alcohol when they are performing safety-sensitive functions, just before they are going to perform the safety-sensitive function or just after the driver has performed the safety-sensitive function.

Reasonable Suspicion

Reasonable-suspicion alcohol and controlled substance testing can be a very confusing standard to understand. Another way to look at this type of alcohol and controlled substance testing is as “for cause” testing.

A motor carrier must require a driver to submit to an alcohol test when the motor carrier has reasonable suspicion that an on-duty driver has a blood alcohol concentration of 0.04% or higher or is under the influence of a controlled substance. The motor carrier’s reasonable suspicion must be based on specific, timely observations. These observations can include physical, behavioral and psychological signs. Some of signs include:



Any of these signs could lead a motor carrier to have cause to conduct an alcohol or controlled substance test. A supervisor must document all observations they made to determine that there is reasonable suspicion and sign the documentation within 24 hours of the observed behavior, or prior to the results of the test coming back (whichever is earlier).

When deciding whether to test a driver for reasonable suspicion, the determination must be made by a supervisor that has undergone reasonable suspicion training under [Part 382](#). The FMCSA requires that the motor carrier provide reasonable-suspicion training to those that supervise drivers subject to their regulations. This is to make sure supervisors know when reasonable suspicion exists. This training must include at least 60 minutes of training on alcohol misuse and 60 minutes of controlled substance use. The training should be documented and placed in the supervisors' employment files so that the documentation is readily available upon request by the FMCSA.

Please note, there are other requirements for alcohol testing for reasonable suspicion, which are explained in the next section. With controlled substances, testing for reasonable suspicion is done as normal with the steps listed above concerning documentation.

Alcohol Reasonable Suspicion Testing Requirements

When conducting reasonable suspicion **alcohol** testing, the supervisor who makes the determination to have a driver tested **must not** be the one performing the test. The test must be completed within two hours of determining a test is necessary.

If the test is not completed within that time frame, the motor carrier must document the reason it was not administered in a timely fashion, but can continue trying to test until the eighth hour. If the test is unable to be completed within eight hours, then the attempts to test must be stopped and the reason the test was not completed must be documented by the motor carrier.

Drivers must be removed from safety-sensitive functions when there is suspicion of alcohol use. The driver must remain removed until the alcohol test is administered and measures less than 0.02% or until 24 hours have passed since there was reasonable suspicion to believe a driver was under influence of alcohol.

Other than removing a driver from a safety-sensitive function for suspicion of alcohol use, the motor carrier cannot take any other action (other than action consistent with the law) in the absence of an alcohol test.

Return to Duty

Motor carriers must perform a return-to-duty (RTD) alcohol or controlled substance test when a driver returns to duty after a controlled substance or alcohol violation. Prior to being able to take the RTD controlled substance or alcohol test, a driver must undergo and successfully complete the RTD process with a qualified DOT substance abuse professional (SAP). The requirements for the entire process can be found in 49 CFR [Part 40](#).

Follow-up Testing

Follow-up testing occurs when a driver has violated the DOT controlled substance and alcohol regulation. The SAP must provide recommendations for education and treatment for the driver. Then, after the driver has successfully complied with those recommendations, the SAP will provide a testing plan. This testing plan includes the number and frequency of direct observation follow-up tests the

driver must complete. In addition, the plan includes what types of tests the driver must undergo—specifically, if it's just a controlled substance test, alcohol test or both.

The SAP must, at a minimum, require the driver to undergo at least six unannounced follow-up tests in the first 12 months of safety-sensitive duty following the driver's return to work. More tests may be required in the first 12 months of returning to work, and the SAP can require the testing be done for 48 months after the initial 12 months. Motor carriers must pick the dates for the follow-up testing and stay within the SAP's follow-up testing plan. The FMCSA provides more information on the requirements of follow-up testing, which can be found [here](#).

Hazmat Documentation

If a motor carrier transports hazardous materials, they are required to have appropriate documentation for the materials they are transporting. Carriers of hazardous materials should have shipping papers and emergency response information received from the shipper. If the carrier is the shipper, then they must have that information before transporting the materials.

Shipping papers must be within reach of the driver when they are wearing a seatbelt. The paperwork must be visible to first responders when they enter the vehicle in case of an incident. Motor carriers must retain shipping papers for hazardous materials for one year after acceptance of the shipment or three years for hazardous wastes.

When undergoing an audit, a motor carrier that transports hazardous materials will be asked to produce the hazmat documentation. This documentation can include:

- Reports for hazmat cargo tanks and inspections
- All hazmat shipping papers for the last 365 days
- All cargo tank certificates of compliance
- All hazmat training records

An example of hazmat shipping papers can be found in the [appendix](#). Other documentation that can be requested, if applicable, includes:

- A copy of the Pipeline and Hazardous Materials Safety Administration (PHMSA) hazmat registration
- A copy of the motor carrier's security plan
- A copy of the motor carrier's hazmat safety permit
- Copies of the hazmat incident reports for the last 365 days

Hazardous materials are regulated by many entities. Therefore, it's very important that a motor carrier refer to the FMCSA [website](#), PHMSA [website](#), and state and local laws for more information concerning specific types of hazardous materials a carrier maybe transporting.

Supplemental materials referenced in this section:

- ❏ [Hazmat Shipping Papers Sample](#)

Security Plans

Motor carriers that transport hazardous materials must develop and implement a security plan. In addition, the motor carrier must train their drivers on that security plan and how it works. The security plan must include site-specific or location-specific risk assessments of the transportation security risks for shipments of [specific hazardous materials](#). The chart below provides the minimum security plan requirements by the FMCSA.

Minimum Security Plan Requirements:	
1.	Include the review procedures for information provided by job applicants that will be working with hazardous materials. This must be consistent with federal and state law requirements.
2.	Explain how to address the risk of unauthorized persons gaining access to any hazardous materials covered by the security plan.
3.	Spell out measures to be taken to address the assessed security risks of shipments of hazardous materials covered by the security plan from origin to destination, which includes stored shipments and incidental movements.
4.	List the identification of the senior management official responsible for overall development and implementation of the security plan.
5.	Include a list of security duties for each position responsible for implementation of the plan. Or, include a portion of the plan and the process of notifying employees when specific elements of the security plan must be implemented.
6.	Include a plan for training employees in security awareness and in-depth, specific security training.

BEST PRACTICES FOR DOT SAFETY AUDITS

Motor carriers that have their records organized and who perform their own mock DOT safety audits are better equipped for actual DOT safety audits. It's important to understand where the deficiencies are in the processes in order to catch any mistakes the motor carrier may be making prior to them being found by an actual DOT safety auditor.

The sections below provide some best practices motor carriers can follow to ensure their drivers and organization are ready for a DOT safety audit and to minimize liabilities that come with organization operations.

Best Practices for DOT Accidents

Accidents are one of the more critical events that can impact a motor carrier. Accident investigations and records are monitored closely by the FMCSA, as the agency's main purpose is to prevent vehicle-related fatalities and injuries.

In order to do this, the FMCSA has a few prevention tools that they use. The FMCSA uses the SMS BASIC factor to monitor a carrier's accident rating, which was [discussed](#) previously in this guide. Motor carriers can receive a high-point score for at-fault accidents, which can significantly affect their safety rating and potentially place them OOS.

To seamlessly respond to an accident, motor carriers should have emergency contact information readily available for drivers. This should include the required phone numbers drivers need for the notification of the accident, which can be helpful if a driver is disoriented after the accident. This also allows the motor carrier to be informed shortly after the accident occurs, which can help manage the driver's and organization's responses.

There are a few different ways the emergency contact information can be provided. There can be a laminated page that is placed in an information binder under the seat in the cab of the truck. There can be several phone numbers printed on the pens that are used by drivers. Most drivers always have pens on them, so it's something they would have readily available.

Another option is to have emergency phone numbers placed in the visor of the truck or in the glove box. That way the numbers are always in the cab and ready to go. The caveat about having an emergency list is that a motor carrier needs to include numbers that do not change frequently. If numbers are frequently changed, then the information that has been placed in the CMV has to be updated consistently to prevent outdated information. For large fleets, this process can be time consuming.

Another practice a motor carrier can follow is to put together an accident packet that has all the forms a driver would need during an accident. This helps ensure the required information is obtained at the time of the accident. This packet can be placed somewhere in the cab so the information is with the CMV whenever it's operated.

DOT results from accidents should be kept in the appropriate accident files. This way they are easy to access and find. It also keeps all accident information organized. An auditor will likely ask for an accident register (this is kept separate from the accident files). It's a best practice to have an accident file for each accident so all the paperwork pertaining to an accident is in one location. The accident files should be updated as accident investigations provide updated information. The register should be updated when a new accident occurs.

Another helpful tip is to make a checklist of all the documents that should be in accident files, using it to verify documentation that comes in from governing agencies that were involved in the accident. This helps motor carriers identify what is still needed for the accident file and keeps the overall file complete.

Accidents should be documented even if the motor carrier's driver is not at fault. It's important for a motor carrier to obtain all necessary information, including a copy of the police report, keep that information on file in case there are any questions later pertaining to the accident or during an audit. This approach has two benefits:

- 1 A motor carrier has the information in case it's needed.
- 2 It shows an auditor that the motor carrier has good record-keeping abilities.

Motor carriers should be performing thorough accident investigations whenever their drivers are involved in any type of accident. This helps identify accident causes that may not otherwise be found in a traditional police report. It also helps motor carriers increase safety measures for their drivers and reduces liability for their organization by preventing potential issues from reoccurrence. In order to complete this, each supervisor should go through accident investigation training and become certified to perform investigations.

When an accident occurs, and if the FMCSA regulations do not prohibit the testing, a motor carrier should test a driver for controlled substances and alcohol even if they are not at fault. However, if motor carriers do this, testing must be completed for every accident. Otherwise, the motor carrier will run into legal issues for singling out some employees over others. Testing after accidents is suggested in case paperwork requirements change to this stricter standard. If that were to happen, the motor carrier will have the information that is required and the organization would be covered. Although documentation retention regulations would not be retroactive, it would show an organization was going above and beyond requirements.

After every six months, motor carriers should remove driver logs from the accident files. These documents are considered "discoverable documents" for legal purposes, so removing them reduces liability for the motor carrier.

Motor carriers can put out post-accident action reports that give high-level information about the accident, including why the accident happened. This can be used as a training tool to provide information on what drivers can do going forward to prevent the same type of accident from occurring. By using actual accidents, it allows for a real-world training opportunity for drivers.

Best Practices for DQ Files

Motor carriers should have organized and completed DQ files. The quality of these files is essential when it comes to passing a safety audit. An auditor will ask for a random sampling of DQ files and, if they find any discrepancies, they will likely review more. Put another way, having unorganized and incomplete DQ files triggers a deeper review on other recordkeeping areas, underscoring the importance of ensuring DQ files are complete and ready to be reviewed when requested.

A best practice for record retention of DQ files is to maintain them for three years after a driver's departure from employment. In addition, if the driver tested positive for any controlled substance or alcohol testing, it's recommended the motor carrier keep the file for five years after the driver's departure.

Motor carriers should complete their own review of their DQ files. One of the areas that motor carriers should look at is the employment history portion of the driver's application. This must be filled out and signed by the driver for the file to be complete. If the driver does not have 10 years of employment history, then the application should note this so that auditors know there is no other information missing from the application.

If the motor carrier finds discrepancies with the file, they should acknowledge the error by placing a notice in the file showing they understand something is missing or is filled out improperly, try to fix the issue if possible (show a good faith effort), never backdate any documents and make sure that, going forward, the process has been changed. Backdating documents is considered fraudulent, so this should be avoided.

If the motor carrier has a cell phone and texting policy, drivers should sign the policy and place it in the DQ files for employment purposes. This helps keep employment policies organized for each driver.

It's recommended that motor carriers do not put any comments on any driver tests that the driver undergoes. Keep the completion record simple by marking the test records as pass or fail. If comments are needed, they should be recorded somewhere other than the DQ file.

Best Practice for Maintenance Files

DVIRs turned in by drivers should be reviewed by the proper department. Any issues should be corrected, and a copy of the DVIR should be attached to an invoice for filing. This shows that the maintenance issue was dealt with, and the invoice provides the evidence that it was completed. This is helpful in audits to show that the motor carrier is performing the required safety management controls by the FMCSA. It's also useful for any legal issues that may arise from an accident that involves a maintenance problem.

Best Practices for DOT Controlled substance and Alcohol Random Testing

Motor carriers must follow specific regulations when it comes to controlled substance and alcohol testing for their safety-sensitive drivers. The FMCSA recommends some [best practices](#) when it comes to performing random controlled substance tests.

It's recommended that motor carriers refresh the pool of applicants before performing random controlled substance testing selection. This ensures the proper employees are in the pool and those not subject to DOT random testing are removed.

A best practice for conducting random testing is to prevent drivers from catching on to the schedule an employer keeps for testing. This means motor carriers should conduct random tests any time drivers are on duty while performing their safety-sensitive functions. By mixing up the time of day a motor carrier performs tests, it helps keep the element of surprise. Motor carriers need to remember to make sure the testing is done whenever drivers are completing safety-sensitive jobs.

Motor carriers should also provide company policies that specifically state what a driver must do before resuming work in a safety-sensitive function after they have been notified they have to undergo a random test. This provides guidance so drivers know exactly what is expected of them at that time.

HOW VIOLATIONS ARE DETERMINED

The FMCSA has the authority to issue fines and penalties. Motor carriers that are found to be in violation of the FMCSRs will face consequences. These consequences can come in the form of fines, warnings, a poor safety rating, being placed OOS or jail time.

If a motor carrier violates the regulations and is fined, they will receive a notice of claim that explains the reason they were penalized. Although, a motor carrier likely will already know why they received a fine.

Once the motor carrier receives the notice of claim, the motor carrier will pay the penalty in full, sign a settlement agreement or default on the notice of claim. The FMCSA sends out notice of claims after opening an enforcement case and investigating the alleged violations. Once the notice goes out and the motor carrier pays or settles, the case is considered closed. Most enforcement cases are initiated after compliance reviews, compliant investigations, terminal audits, roadside inspections or other investigations.

The FMCSA uses the Uniform Fine Assessment (UFA) software to assess civil penalties for enforcement cases, which are cases created from violations of the FMCSRs, HMRs and other applicable statutes. This provides consistency when civil penalties are enforced by the FMCSA. The FMCSA has a penalty assessment [website](#) that serves as an online resource for employers to understand how penalties are determined. The UFA software is required to be used for all civil penalties that are processed through the FMCSA, and it considers all statutory penalty factors when making the assessments.

How Penalties are Calculated

The FMCSA calculates penalties based on four legislatively mandated subject factors. Under the FMCSRs or HMRs, the UFA subject factors are:

- 1 History of prior violations;
- 2 Culpability;
- 3 Ability to continue operations; and
- 4 Other matters including justice and public safety.

The FMCSA can issue penalties to motor carriers for mandatory insurance violations that fall under financial responsibility regulations. This means that motor carriers must not operate a motor carrier vehicle until they have obtained the required minimum levels of financial responsibility. Financial responsibility means the motor carrier has the financial reserves sufficient to satisfy liability amounts to cover bodily injury, property damage and environmental restoration. Motor carriers acquire financial responsibility by purchasing policies of insurance, surety bonds and endorsements.

When the FMCSA issues penalties to a passenger carrier or property carrier motor carrier for mandatory insurance violations, there is a different way to calculate those violations. For mandatory insurance violations, the penalties are calculated similarly to FMCSRs and HMRs, but also include the business' ability to pay.

The initial fine is calculated based on a penalty range for the violation and the violation factors. The violation factors include the:

- 1 Nature of the violation;
- 2 Circumstances of violation;
- 3 Extent of violations; and
- 4 Gravity of the violation.

The UFA software has descriptions of each factor in its calculation explanation [guide](#). Once the calculations are completed, a motor carrier will receive a UFA that provides the nature and description of the violation, penalty per charge, the number charged and the total penalty for the violations. The motor carrier will also be informed of the gravity, extent of the violation and the will be shown the calculations for each violation.

Once a motor carrier receives this information, they may visit the [website](#) and pay the fine. They will need their case number and USDOT number that is listed on the Notice of Claim to proceed and make the payment.

For statutory information on civil penalties, motor carriers can reference [Part 386](#) for all the rules concerning FMCSA proceedings and civil penalties.

Supplemental materials referenced in this section:

- ❏ [Uniform Fine Assessment Sample](#)

UNDERSTANDING CORRECTIVE ACTION PLANS

When a motor carrier receives notice that they did not pass a safety audit, they must submit a corrective action plan (CAP). A CAP tells the FMCSA that a motor carrier understands the safety issues that were found and identifies the ways the issues have been remedied. The CAP needs to be sent to the FMCSA for approval and should include:

- A cover sheet that has the signature of the owner or company officer on it
- Documents that show corrections have been made to each issue

The FMCSA focuses on CAPS for new entrant safety audit failures. However, more established motor carriers can request an administrative review to challenge a proposed or final safety rating or to change their safety rating.

New Entrant Safety Audit Failure

If a new entrant fails a safety audit, the FMCSA will provide notice within 45 days after the completion of the audit. The new entrant registration will be revoked and the motor carrier will not be able to operate any CMVs. The operations are placed OOS unless the new entrant takes the actions specified in the notice to remedy their safety management controls.

This CAP must be submitted within 15 days of the motor carrier receiving notice that they failed the safety audit. This time allows the FMCSA to review and approve the plan to address the inadequate safety controls. If the CAP isn't submitted in a timely fashion, the FMCSA may not have time to approve it prior to the registration being revoked and the motor carrier being placed OOS.

Once the CAP is approved, there are two different time requirements new entrants must follow to fix their safety management controls. The deadline for new entrants' corrective action requirement is **60 days**. A new entrant must take the required actions to remedy their safety controls within 60 days of the date on the notice. However, if the motor carrier is a new entrant that **transports nine to 15 passengers, more than 15 passengers in a CMV or hazardous materials**, then the motor carrier must follow the **45-day requirement** from the date of the notice to fix their safety management controls.

The deadline of 60 days maybe extended by the FMCSA for an additional 60 days if the FMCSA determines the motor carrier is making a good faith effort to fix their safety management controls. The deadline of 45 days may be extended for an additional 10 days if the new entrant submitted evidence of corrective actions that have been taken and the FMCSA needs time to determine approval of those actions.

It's important to submit the CAP within the required regulatory time frame to prevent the motor carrier's operations from being placed OOS and the revocation of their registration. The CAP submission likely will include several components to meet the FMCSA requirements. Specifically, employers must:

- ☐ Address each safety violation and discuss actions taken to correct the issues.
- ☐ Identify why the violations that were found in the safety audit occurred in the first place.
- ☐ Develop and document actions taken to prevent reoccurrence of the behaviors or processes that caused the violations.

- ❑ Implement an accident countermeasure program as part of the motor carrier's CAP submission if there was an accident-rate show failure. The submission needs to include defensive driving training, the identification of causative factors and preventative measures implemented to reduce crashes.
- ❑ Document future corrective measures with a detailed description of the activity and a schedule of events.
- ❑ Include additional documentation that demonstrates adequate safety management controls specifically relating to the safety audit failures.
- ❑ Include a written statement certifying that the motor carrier will operate in compliance with the FMCSRs and HMRs and that the motor carrier is currently operating within the [safety-fitness standards](#) and [safety-rating factors](#).

When submitting the CAP, it must be in writing and sent through the mail using a tracking number to ensure the document was received.

Administrative Review of Safety Rating

An administrative review can be requested if a motor carrier feels they have been assigned a wrong proposed or final safety rating. A request must explain why the motor carrier believes the FMCSA made an error in issuing the safety rating. This request should be made within 15 days of receiving a notice of a proposed unsatisfactory safety rating. This allows the FMCSA to issue a decision prior to the motor carrier being prohibited from operating the CMV.

If the request is not received prior to the effective date of the consequences for receiving a poor safety rating, then the motor carrier has to still follow the prohibitions while they wait for a final decision from the FMCSA. The motor carrier has 90 days from the issue date of a proposed or final safety rating or denial of request to change to submit a request an administrative review.

Once the FMCSA receives the request from the motor carrier, they may request additional information or a conference with the motor carrier to review the request. If the motor carrier does not provide the requested information or appear at the conference, the FMCSA can dismiss the request for review. The FMCSA will notify the motor carrier of its decision by mail within 30 days after receiving the request from a hazmat or passenger motor carrier that has received an unsatisfactory safety rating. For any other motor carrier that has received an unsatisfactory safety rating, the FMCSA will issue a decision within 45 days of receiving a request. The decision when made is the final agency action on the matter.

Safety Rating Change Request

A motor carrier should want to change their safety rating of "conditional" or "unsatisfactory," and can do so by requesting a rating change at any time. The request must be submitted to the FMCSA Service Center in the area which the motor carrier is located. A motor carrier should think seriously about implementing a corrective action plan and requesting a safety rating change. This will help reduce the amount of roadside inspections a motor carrier may experience as well as prevent a safety audit from occurring frequently. Overall, having a better safety rating is in a motor carrier's best interest.

In order to make the request for the change, the motor carrier must show evidence that they have taken corrective actions to address issues and that their current operations meet the safety-fitness standards and safety-rating factors. This is done by including a written description of the actions taken and any other documentation that the motor carrier feels would be relevant.

Once the FMCSA receives this information, it will make a decision regarding the request for change within the following time frames:

- No less than 30 days for motor carriers transporting passengers in CMVs or placardable quantities of hazmat
- No less than 45 days for all other motor carriers

If the FMCSA determines that the motor carrier has made the appropriate corrective actions and decides to upgrade the motor carrier's safety rating, the motor carrier will be notified in writing of the upgraded safety rating. If the FMCSA feels the motor carrier has not made the necessary corrective actions, it will also notify the motor carrier in writing that the safety rating will not be changing. If a motor carrier receives a denial, they can request an administrative review of that decision as long as it's done within 90 days of the denial of the request for the rating change.

THE IMPORTANCE OF CONTINUED REVIEW

Carefully following FMCSA guidance allows motor carriers to run their operations smoothly and effectively. If a motor carrier takes the appropriate measures and follows best practices when they are chosen for a safety audit, they should have no issues passing it. The key to passing a safety audit is understanding what is expected of a motor carrier under the FMCSA regulations and making sure to follow the regulations to meet those expectations. However, this is normally easier said than done. Navigating the regulations can be difficult, and that's where Reliance Partners can help.

As your trusted advisor and safety partner, we can provide you with a variety of supplemental materials to help address concerns across a variety of CMV topics. We can even evaluate your level of risk and recommend insurance solutions to account for your business' greatest exposures. Contact us today to learn more.

APPENDIX

ITEM	
RODS Sample	<input type="checkbox"/>
Accident Register Sample	<input type="checkbox"/>
Sample Vehicle List	<input type="checkbox"/>
DVIR Sample	<input type="checkbox"/>
Vehicle Inspection Report Sample	<input type="checkbox"/>
Vehicle Maintenance Log Sample	<input type="checkbox"/>
Vehicle Maintenance Annual Inspection Report	<input type="checkbox"/>
Driver's Application Sample	<input type="checkbox"/>
Driver's Road Test Certificate	<input type="checkbox"/>
Safety Performance History Records Request	<input type="checkbox"/>
Inquiry to State Agency for MVR History	<input type="checkbox"/>
Annual Review of Driving Record	<input type="checkbox"/>
Pre-employment Controlled Substance and Alcohol Questionnaire	<input type="checkbox"/>
Annual Driver's Certification of Violations Sample	<input type="checkbox"/>
Medical Examination Certificate Sample	<input type="checkbox"/>
Entry-level Driving Certificate	<input type="checkbox"/>
Longer Combination Vehicle Training Certification	<input type="checkbox"/>
Driver Qualification File Checklist for Multiple-employer Drivers	<input type="checkbox"/>
Controlled Substance and Alcohol Testing Paperwork Sample	<input type="checkbox"/>
Hazmat Shipping Papers Sample	<input type="checkbox"/>
Uniform Fine Assessment Sample	<input type="checkbox"/>