



What documentation is required to be kept in the vehicle of units I have from Idealease showing that the vehicle is a lease or rented vehicle?

Answer: If the vehicle is subject to the Federal Motor Carrier Safety (FMCSA) regulations (greater than 10,000 lbs. MGWVR), then a document is required to be in the unit for the duration of the lease or rental.

Lease vehicles are subject to the FMCSA regulation CFR 376.11(c), stating that a copy of the lease or certified statement of lease with the required information is to be kept on the unit during the lease period.

Rental vehicles are subject to the FMCSA regulation CFR 390.21(e)(2)(iv), stating that a copy of the rental agreement is to be carried on the unit for the duration of the rental.

My driver is complying with the ELD regulations, and the commercial vehicle they are driving becomes disabled, and they need to operate a rental. What ELD exemptions would allow them to complete paper logs for operating a rental unit?

1. Drivers who have a rental vehicle for eight days or less (FMCSA letter of exemption must be available to an officer upon request).
2. Drivers who use paper logs for not more than eight days during any rolling 30-day period.
3. Drivers who conduct driveaway-towaway operations, where the vehicle is the product being delivered.
4. Drivers of vehicles manufactured before the model year 2000.
5. Drivers who operate using the logbook exception (i.e., short-haul 150 air-mile radii) can comply with the exception 22 days out of a rolling 30-day period.



6. INTRASTATE operations (Check with your state carrier enforcement agency).

I am using a driver leasing company; who is responsible for compliance with the Federal Motor Carrier regulations?

Answer: Driver services and driver leasing companies are not motor carriers and are not responsible for compliance with the regulations. The driver service or leasing company may complete activities such as driver qualification files, annual reviews, road tests, etc., at the direction of the motor carrier. However, remember that you, the motor carrier are responsible for any non-compliance with the FMCSA regulations.

As a driver, am I responsible for seeing that the cargo in my truck is appropriately secured even if I do not load it?

Answer: YES, The FMCSA Regulations state in CFR 392.9(a)(1) a) General. A driver may not operate a commercial motor vehicle, and a motor carrier may not require or permit a driver to operate a commercial motor vehicle unless-(a)(1) The commercial motor vehicle's cargo is properly distributed and adequately secured as specified in §§ 393.100 through 393.142 of this subchapter.

Do I need a CDL license to operate that truck?



Answer: The regulations that address this question are found in FMCSA CFR 383.3. [FMCSA CFR 383.3](#).

The rules in this part apply to every person who operates a commercial motor vehicle (CMV) in interstate, foreign, or intrastate commerce, to all employers of such persons, and to all States.

The definition of a commercial motor vehicle for this regulation is as follows:

Commercial motor vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle-

- Has a gross combination weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit(s) with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 pounds or more); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in transporting hazardous materials as defined in this section.

What disqualifications would prevent a driver from receiving clearance in the security threat assessment process for a Hazardous Materials endorsement?

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

- Terrorism, Assault with intent to murder, Murder, Espionage, Sedition, Kidnapping or hostage-taking, Treason, Rape or aggravated sexual abuse, Extortion, Robbery, Arson, Bribery, Smuggling, Immigration violations, RICO (Racketeer Influenced and Corrupt Organizations Act) violations, Unlawful possession, use, sale, distribution, or manufacture of an explosive device, firearm, or another weapon, Distribution of, intent to distribute, possession, or importation of a controlled substance, Dishonesty, fraud, or misrepresentation, including identity fraud, Crimes involving a severe transportation security incident, Improper transportation of hazardous material, Conspiracy or attempt to commit any of these crimes.

All drivers needing to renew their hazardous material endorsement or apply for a new HM endorsement on their CDL must complete the "Security Threat Assessment" process. It is recommended that drivers start this process 90 days before the expiration of their license. To start the assessment process, go to: <https://www.tsa.gov/for-industry/hazmat-endorsement>

What do the FMCSA regulations say about my driver, who has a current medical certificate but has developed a medical condition

that would make the operation of a commercial motor vehicle (CMV) questionable and possibly unsafe?

FMCSA regulations prohibit a driver from the beginning or continuing to drive if their ability and alertness are impaired by: fatigue, illness, or any cause that makes it unsafe to begin (continue) to drive a commercial vehicle.



Even if a driver currently has a valid medical certificate, the driver is prohibited from driving a CMV with any medical condition that would be disqualifying or may interfere with the safe operation of a CMV. Once a disqualifying medical situation is resolved, and before resuming the operation of CMV, a driver is responsible for obtaining re-certification from a Medical Examiner. FMCSA CFR 391.45

Is an employer required to conduct a pre-employment query of the Drug and Alcohol Clearinghouse for a driver-applicant subject to 49 CFR Part 382 before administering a road test by 49 CFR 391.31?

No. An employer is not required to conduct a pre-employment query of the Clearinghouse before administering a road test to a prospective driver subject to 49 CFR part 382. However, under § 382.701(a), employers must query the Clearinghouse when hiring a driver to perform safety-sensitive functions. The road test occurs before the driver is hired; therefore, employers may conduct a pre-employment query when they road test a prospective driver but are not required to do so.



CVSA Releases Results of 2022 Operation Safe Driver Week

The Commercial Vehicle Safety Alliance released the results of its 2022 Operation Safe Driver Week, held July 10-16, during which officers in Canada and the U.S. pulled over more than 35,000 commercial motor vehicles and passenger vehicles and issued 26,164 warnings and citations to drivers engaging in unsafe driving behaviors.

Speeding was the focus of this year's Operation Safe Driver Week, and it was the top violation – in warnings given and citations issued – for both commercial and passenger vehicle drivers. Officers issued 8,586 citations and 7,299 warnings for speeding/violating the basic speed law/driving too fast for conditions. That included 2,577 warnings to CMV drivers and 4,722 to passenger vehicle drivers. In addition, citations for speeding violations were given to 1,490 CMV drivers and 7,096 passenger vehicle drivers.

According to the National Highway Traffic Safety Administration, speeding has played a role in more than a quarter of traffic deaths – killing nearly 100,000 people – over the past decade. In 2020 alone, there were 11,258 speeding-related deaths in the U.S.

In addition, the American Transportation Research Institute's recently updated "Predicting Truck Crash Involvement" report found that a commercial motor vehicle driver receiving a

speeding violation increases their likelihood of being involved in a crash by 47%. And according to Transport Canada, speeding/driving too fast was a contributing factor in 25.3% of fatal crashes in 2020 in that country.



Court of Appeals Rules California Meal and Rest Break Preemption Determination is Retroactive

The U.S. Court of Appeals of the Ninth Circuit has ruled, in a 2-1 decision, that the Federal Motor Carrier Safety Administration's determination preempting California's meal and rest break rules as applied to truck drivers must be applied retroactively. As a result, lawsuits that were filed against motor carriers before the FMCSA's determination may not go forward.

The court held that because Congress clearly intended for the FMCSA to have the power to halt enforcement of state laws, and because the FMCSA intended for this particular preemption determination to apply to pending lawsuits, the FMCSA's decision prohibits present enforcement of California's MRB rules regardless of when the underlying conduct occurred.

The FMCSA's preemption determination applies to all drivers of commercial motor vehicles of property subject to the FMCSA's hours of service regulations. Intrastate drivers are still subject to the California MRB rules and the State hours of service requirements.

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