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SAFETY BULLETIN



Truck Drivers



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Are you Sharing your Driver with Another Company?

How does the Federal Motor Carrier Safety Administration address the use of a driver by multiple employers?

Answer: Yes, this situation is addressed in a number of ways throughout the regulations; however, it is confusing.

Drivers that work part time, fall into a number of classifications:

1. Drivers that work for multiple employers on a regular basis.
2. Drivers who are regularly employed by a motor carrier and occasionally drive for another motor carrier.
3. An employee of a non-motor carrier and who occasionally or part time drives.

First let's take a look at the driver qualification process:

Multiple Employer Drivers

Multiple-employer driver means a driver, who in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. This definition applies to a driver who regularly works part time for two or more employers.



Idealease and the National Private Truck Council NPTC will again be hosting safety seminars in 2017. The one day seminar this year will focus on the new Electronic Logging Device (ELD) regulation, basic safety and compliance, regulation changes and CSA. The seminars and will be provided to all Idealease customers, potential customers and NPTC members at no charge. The seminar provides important information applicable for both the novice and experienced transportation professionals. To register for an upcoming seminar in 2017 click on the following link:

If a motor carrier employs a person as a multiple-employer driver (as defined in §390.5 of this subchapter), the motor carrier shall comply with all requirements of this part, except that the motor carrier need not:

- Require the person to furnish an application for employment in accordance with §391.21;
- Make the investigations and inquiries specified in §391.23 with respect to that person;
- Perform the annual driving record inquiry required by §391.25(a);
- (a)(4) Perform the annual review of the person's driving record required by §391.25(b); or
- (a)(5) Require the person to furnish a record of violations or a certificate in accordance with §391.27.
- (b) Before a motor carrier permits a multiple-employer driver to drive a commercial motor vehicle, the motor carrier must obtain his/her name, his/her social security number, and the identification number, type and issuing State of his/her commercial motor vehicle operator's license. The motor carrier must maintain this information for 3 years after employment of the multiple-employer driver ceases.

A driver who is regularly employed by a motor carrier and occasionally works for another motor carrier.

§391.65(a) A motor carrier may employ a driver who is not a regularly employed driver of that motor carrier without complying with the generally applicable driver qualification file requirements in this part, if:

- The driver is regularly employed by another motor carrier; and
- The motor carrier which regularly employs the driver certifies that the driver is fully qualified to drive a commercial motor vehicle in a written statement which —
- Is signed and dated by an officer or authorized employee of the regularly employing carrier;
- Contains the driver's name and signature;
- Certifies that the driver has been regularly employed as defined in §390.5;
- Certifies that the driver is fully qualified to drive a commercial motor vehicle under the rules in Part 391 of the Federal Motor Carrier Safety Regulations;
- States the expiration date of the driver's medical examiner's certificate;
- Specifies an expiration date for the certificate, which shall be not longer that 2 years or, if earlier, the expiration date of the driver's current medical examiner's certificate; and
- A motor carrier that obtains a certificate in accordance with paragraph (a)(2) of this section shall:
 - Contact the motor carrier which certified the driver's qualifications under this section to verify the validity of the certificate. This contact may be made in person, by telephone, or by letter.
 - Retain a copy of that certificate in its files for three years.
- A motor carrier which certifies a driver's qualifications under this section shall be responsible for the accuracy of the certificate. The certificate is no longer valid if the driver leaves the employment of the motor carrier which issued the

<http://www2.idealease.com/e/36492/safety-seminar-registration/58g2kl/551147259>

Idealease 2017 Safety Seminar Schedule

Date	Location
March 2	San Martin, CA
March 22	Dallas, TX
March 28	Harrisburg, PA
March 29	Mobile, AL
March 29	Baltimore, MD
April 4	Milwaukee, WI
April 5	Lexington, KY
April 6	Altoona, IA
April 12	Memphis, TN
April 13	Birmingham, AL
April 18	Chattanooga, TN
April 19	Atlanta, GA
April 20	Tampa, FL
April 25	Youngstown, OH
April 26	Weirton, WV
May 3	Grand Rapids, MI
May 4	Fort Wayne, IN
May 4	Aurora, CO
May 10	Greensboro, NC
May 11	Ontario, Canada
May 17	San Leandro, CA
May 18	Los Angeles, CA
September 12	Santa Rosa, CA
October 3	Charlottesville, VA
October 4	Erie, PA

certificate or is no longer qualified under the rules in this part.

An employee of a non-motor carrier who occasionally or part time drives for a motor carrier:

A person who drives for one motor carrier (even if it is only one day a month) would not meet the definition of an intermittent, casual, or occasional driver. The motor carrier must fully qualify the driver and maintain a qualification file as a regularly employed driver.

With all of that regulation said, it is still in the best interest of a motor carrier and the best liability protection to require all drivers regardless of employment status to complete a full qualification process with a complete file on each and every driver that operates a commercial motor vehicle.

Now, how does the Drug and Alcohol testing regulations address a shared driver?

Keep in mind that Drug and Alcohol regulations apply to drivers that operate commercial motor vehicles in excess 26,000 lbs GVWR or are transporting HM in placardable quantities or passengers.

Pre-employment testing: There is an exception to pre-employment testing found in CFR 382.301. However, there are many requirements to the exception and basically you are relying on the compliance of another motor carrier for your own compliance. As a better practice and your best liability protection, administer a Pre-employment Drug screen to all new drivers regardless of employment classification.

Random Testing: When a driver works for two or more employers, in whose random pool must the driver be included? Answer: The driver must be in the pool of each employer for which the driver works.

All other testing, post-accident, reasonable suspicion and follow-up testing would apply as any other driver.

And finally, how do the Hours of Service regulations apply to shared drivers?

Drivers used by more than one motor carrier:

- When the services of a driver are used by more than one motor carrier during any 24 hour period in effect at the driver's home terminal, the driver shall submit a copy of the record of duty status to each motor carrier. The record shall include:
 - All duty time for the entire 24 hour period;
 - The name of each motor carrier served by the driver during that period; and
 - The beginning and finishing time, including a.m. or p.m., worked for each carrier.

Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from

duty prior to beginning work for the motor carriers.



F M C S A
Federal Motor Carrier Safety Administration

FMCSA Issues Guidance on Onboard Safety Monitoring Systems

The Federal Motor Carrier Safety Administration has released a document offering [guidance](#) for industry and fleet managers on safety culture concepts, improving safety culture and the use of onboard safety monitoring (OSM) systems. The guidance was produced by the National Surface Transportation Safety Center for Excellence at the Virginia Tech Transportation Institute.

The FMCSA stated that implementation of OSM systems involves more than installing the technology in commercial vehicles. It requires detailed planning and involvement from all levels within a fleet to overcome expected criticism and resistance when implementing an OSM device.

The FMCSA's goal for making this guidance document on OSM systems available to the industry was to provide a manual for use by fleet management personnel prior to implementing an OSM technology, or to assist motor carriers that have already implemented an OSM device but who are having problems achieving safety results.

For additional information concerning this guidance document, you may contact Martin Walker at (202) 385-2364 or via email at martin.r.walker@dot.gov

FMCSA Initiates Annual Drug and Alcohol Information Survey

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) has begun notifying selected truck and bus companies that they will be required to submit their 2016 USDOT drug and alcohol testing program results within 60 days as directed by [49 CFR § 382.403](#).

The Annual Drug and Alcohol Information Survey results are used to determine the random testing rates for the following year.

Carriers notified by FMCSA that they have been selected to complete the annual survey are required to respond by March 15, 2017. Failure to respond may result in civil penalties.

[Click here for more information](#) on USDOT/FMCSA drug and alcohol testing rules and regulations.

Drivers and carriers with further questions should contact
FMCSAdrugandalcohol@dot.gov Email links icon or call 202-366-4844.

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