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Time to Finalize Your Accident Documentation for 2019

All motor carriers operating CMV's over 10,000 lbs. MGVWR, transporting HM in placardable quantities or transporting passengers are required to record accidents on a register by calendar year as defined in 49 CFR 390.51. Even if no accidents were incurred by the motor carrier, an accident register is required.

First, we need to establish the definition of an **accident**. According to the Federal Motor Carrier Safety regulations the definition of an accident is as follows: ***an occurrence involving a commercial motor vehicle (>10,000 lbs MGWR, HM or Passengers) operating on a highway in interstate or intrastate commerce which results in:***

1. ***A fatality;***
2. ***Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.***
3. ***One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.***

The term **accident** does NOT include:

- An occurrence involving only boarding and alighting from a stationary motor vehicle.
- An occurrence involving only the loading or unloading of cargo.

When an accident by the definition above occurs, ***the accident is required to be recorded on an accident register with the following information on the register:***

- Date of accident.
- City or town, or most near, where the accident occurred and the State where the accident occurred.
- Driver Name.
- Number of injuries.
- Number of fatalities.
- Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident were released.

Motor carriers are required by regulation to maintain an accident register

for three years after the date of each accident.

In addition to the register, the motor carrier is required to maintain copies of all accident reports required by State or other governmental entities or insurers. The accident register is not required to be sent to the FMCSA or State, but kept as part of your record keeping for the FMCSA to review during a compliance review or investigation.

As a Best Practice it's recommended that the motor carrier maintain two accident registers by calendar year:

- DOT recordable accidents only
- Non-DOT Recordable accidents

The reasoning behind this practice is to provide the FMCSA on the information requested in a compliance review, and no more.

By having a second register with all accidents and incidents recorded the motor carrier can actively perform analysis of the losses and implement training to proactively reduce the frequency. **Accident registers can be kept electronically with a hard copy printed for the FMCSA upon request.**

So where can I go to make sure that what I have on my register matches with the FMCSA?

[You can view all of your recordable accidents on the FMCSA Compliance, Safety and Accountability \(CSA\) Safety Measurement System \(SMS\) here.](#)

If the crash involves the release of hazardous materials, carriers must complete a hazardous incident report. See **49 CFR 171.15** and **49 CFR 171.16**.

Did You Register Your Company for the New Drug & Alcohol Clearinghouse for CDL Drivers?

So, what does this new regulation mean for you and your customers?

1. You will have to register your company with the FMCSA Drug and Alcohol Clearinghouse. Registration is open now and I recommend you do this as soon as possible. [Go to the website](#), which will provide you with the access to register your company and receive additional information about the clearinghouse, including a fact sheet, implementation timeline, and frequently asked questions.

You can also sign up to receive clearinghouse-related email updates during the implementation process.

2. **Starting on January 6, before you hire a new driver with a Commercial Driver's License (CDL) to operate a CDL vehicle you must query the Drug and Alcohol Clearinghouse as part of your pre-employment driver investigation to see if the driver is eligible for hire regarding the Department of Transportation (DOT) drug and alcohol testing regulations.**
3. Query all current drivers that you have with a CDL to determine if your current CDL employees are prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to unresolved DOT drug and alcohol violations. By doing so you will be following the annual query requirement.

The query must be conducted by you the motor carrier or your designated consortia or third-party administrator (C/TPA).

4. Annually, query all your drivers with a CDL.
5. As part of the query process the prospective employee and current CDL employees will have to sign a release as provided in the registration process.

FMCSA defines *two types of queries*:

- Limited, which checks for the presence of information in the queried driver's clearinghouse record and requires driver consent outside of the database; and
- Full, which discloses to employers and designated C/TPAs detailed information about any resolved or unresolved violations in a driver's record and requires a driver clearinghouse account to provide the driver's consent via the portal.

FMCSA will charge a flat fee of \$1.25 for every limited or full query and offer bundles depending on need, though the bundles do not offer a discount per query unless a carrier purchases an unlimited bundle plan for \$24,500 a year. While the unlimited plan is only good for one year, the bundles do not expire. FMCSA will require carriers to purchase a query plan to ensure they or their C/TPA can conduct queries. A C/TPA is not allowed to purchase queries on the behalf of a carrier.

You will still be required to conduct past employment drug and alcohol inquiries to past employers as required by Code of Federal Regulation (CFR) 391.23 for all new CDL drivers hired until January 23, 2023 when the clearing house has been in place for a full three years.

Drug and Alcohol Clearinghouse Registration Portal is Clogged at Deadline

The [registration portal](#) for the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse is apparently overwhelmed with carriers and drivers attempting to register before the new rules go into effect on January 6, 2020. Companies have noted a delay of several hours in trying to register, or multiple attempts where registration has been denied.

The minimum annual percentage rate for random alcohol testing will remain at 10 percent.

Register for the Weekly Idealease *Elevate Your Driver's Performance* Newsletter

ELEVATE: QUESTION/TIP OF THE WEEK SIGNUP

Email *

First Name *

Last Name *

Job Title *

Company *

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