

DRIVER DAILY VEHICLE INSPECTIONS

Driver daily vehicle inspections are among the most important daily safety-related functions that a driver performs. The reasons are simple – the pre-trip inspection protects:

- Drivers by demonstrating effective job duty performance
- The motoring public from situations and issues resulting from uninspected vehicles
- Employers from safety-related mechanical failure delays

On December 18, 2014 the FMCSA issued a rule change to 396.11(a)(2)(i) which states:

“(2) **Report content.** (i) The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown. If a driver operates more than one vehicle during the day, a report must be prepared for each vehicle operated. The driver of a passenger-carrying CMV subject to this regulation must prepare and submit a report even if no defect or deficiency is discovered by or reported to the driver; the drivers of all other commercial motor vehicles are not required to prepare or submit a report if no defect or deficiency is discovered by or reported to the driver. (ii) The driver must sign the report on two=driver operations, only one driver needs to sign the driver vehicle inspection report, provided both drivers agree as to the defects of deficiencies identified.”

The highlighted text is the most important for the majority of CWG policyholders.

The rule change does not alter the frequency or thoroughness of the inspection, but the written inspection report now applies only if vehicle defects are discovered. The items to be inspected are clearly defined in 396.11(a)(1) as follows:

- (i) Service brakes including trailer brake connections;
- (ii) Parking brake;
- (iii) Steering mechanism;
- (iv) Lighting devices and reflectors;
- (v) Tires;
- (vi) Horn;
- (vii) Windshield wipers;
- (viii) Rear vision mirrors;
- (ix) Coupling devices;
- (x) Wheels and rims;
- (xi) Emergency equipment.



If defects are found in any of the systems listed above, a written inspection report must be prepared and submitted to the motor carrier for corrective action. In addition, per 396.11(3), the defects must be certified, repaired, and the repairs documented before the vehicle is placed into operation. According to 396.11(4) the carrier must retain these records for three months from the date that the report is submitted. Best practices for motor carriers can be applied to the inspection process.

- Verification that driver daily vehicle inspections are being conducted thoroughly and on a pre-trip and post-trip basis.
 - Pre-trip inspections will ensure the driver is not operating a vehicle that is unsafe.
 - Post-trip written inspections notify others of a vehicle's safety-related defects.
- Drivers should be instructed to check the vehicle for safety-related defects at every stop. Flat tires and lighting failures can occur at any time during a run. Prompt repair of such items can reduce the risk of receiving an out of service violation during a state or federal inspection.

Safe and compliant vehicles help companies and drivers maintain acceptable Safety Management System (SMS) scores and benefit the carrier's safety rating.



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ELECTRONIC LOGGING DEVICES



Electronic Logging Devices – When must I install these systems to meet compliance?

This question is a hot button topic among many smaller motor carriers and fleets. The change to electronic logging devices has been in the works for five years, but the compliance date for all motor carriers has not yet been announced. Reasons for this delay include lack of finalized specifications for a compliant device and provisions to prevent driver harassment by carriers. Such harassment could arise from using device transmitted information to coerce a driver to operate a commercial motor vehicle while tired or otherwise incapacitated.

Additionally, final specifications for the devices will not be available until the FMCSA publishes their final rule, on target for September 30, 2015. The rule is activated 30 days after published (a standard FMCSA regulatory practice) and, based on requirements of the MAP 21 initiative, will become effective two years from that point – or October 30, 2017.

At this time, the answer to when electronic logging devices must be installed is October 30, 2017. An exception relates to usage of currently installed systems (which might not be in compliance with the final rule) which will be allowed until October 30, 2019. At this point in the regulatory process, it seems unlikely that further delays will emerge, but as always, this is subject to change.

What does this mean to the average operator of commercial motor vehicles?

1. An electronic logging device that is compliant with the September 30, 2015, standards must be installed and operational on all commercial motor vehicles by October 30, 2017.
2. Currently, there are many choices available to those who would like to install the electronic logging devices on their fleet now. Many of the providers have decades of experience with devices of this type and offer software updates when changes in the regulations occur.
3. Early implementation of the electronic logging devices can provide fleets with better control over their equipment use and can achieve efficiencies beneficial to the carrier and their customers.

A full copy of the Notice of Proposed Rule Making can be found at: <http://www.gpo.gov/fdsys/pkg/FR-2014-03-28/pdf/2014-05827.pdf>



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