

The background of the entire page is a close-up photograph of a heavily rusted metal structure, likely part of a ship's hull or a large industrial vessel. The rust is a mix of dark brown, black, and reddish-orange tones. The lighting is dramatic, with strong highlights and deep shadows, emphasizing the texture and corrosion of the metal. The structure consists of various beams and plates joined together.

Chubb Construction Risk Engineering

Fleet Management

CHUBB®

Fleet Management

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Background

Many benefits can be realized through proactive fleet risk management and implementation of an effective fleet safety program, the first of which is to safeguard employees and the general public. In addition, failing to effectively manage your fleet can result in serious losses such as production, profit and reputation. If the company/driver is found to be negligent by the courts due to its actions or inactions, punitive damages may be awarded to the victims. Punitive damage awards are subjective and can be very large, enough in some cases to close the doors of a company.

A National Safety Council (NSC) study states that the calculable costs of motor vehicle crashes are wage and productivity losses, medical expenses, administrative expenses, motor vehicle damage and employers' uninsured costs. The costs of all these items for each death, injury, and property damage crash were: ¹

Average Economic Cost per Death, Injury or Crash: 2010

Death	\$1,410,000
Nonfatal Disabling Injury	\$70,200
Property Damage Crash (including non-disabling injuries)	\$8,900

In addition to the above, the National Safety Council reports that motor vehicle crashes are the leading cause of teen fatalities in the United States.²

- 14 teen related fatal crashes, ages 15 to 20, occur each day
- More than 5000 die in teen related crashes each year
- Data shows cell phone and texting use are highest among 16 to 24 year olds
- Most fatal teen nighttime crashes occur before midnight. Teen crash risk is high in the evening hours

A May 23, 2008 study, by Knowledge Networks for Caring.com in partnership with the National Safety Council, states that over the next 20 years, the United States will experience a substantial growth in senior drivers. According to the U.S. Census Bureau, the population of those over 75 will grow from 18 million to 31 million between 2008 and 2028. With accident rates for drivers over the age of 65 higher than any other group except teens, this large increase in senior drivers could cause up to 100,000 senior driving deaths between 2008 and 2028.³

As the above reports indicate, your drivers need to be able to not only drive safely themselves but be able to recognize and avoid dangers on the road created by others.

What is a Vehicle Fleet?

A vehicle fleet can be any size from a small group of two or three cars to several hundred vehicles of different types. For the purposes of this guide, a vehicle fleet is any number or type of vehicles that a contractor uses to perform company business.

Fleet vehicles can range from company-owned private passenger vehicles (sedans) to light trucks and vans (pickups and maintenance vans) to heavy haulers (dump body and tractor trailer rigs).

In addition, some companies allow their employees to use their own personal vehicles for company business. In many cases, companies may pay their employees a vehicle allowance for this use.

Regardless of the vehicle type and whether or not it is a part of the company-owned fleet, if it is used to perform any company business, no matter how insignificant, it

must be considered a part of the vehicle fleet and therefore be subjected to the company's Fleet Safety Program.

Private Passenger Cars

Passenger car fleets create a number of factors which make this type of fleet difficult to manage.

Most employees who drive private passenger cars are hired for skills other than driving, such as salespersons that are hired for their sales skills. Some of the personality characteristics needed for success in sales can conflict with safe driving, such as aggressiveness. Many companies also allow personal use of company vehicles, which if uncontrolled, can expose the owner to additional liability. There is also a common misconception that no particular skills are needed for driving a passenger car, but this can't be farther from the truth.

Light Trucks and Vans (under 10,001 lbs. GVW)

For the purposes of this guide, the definition of a light-duty truck will be trucks that are less than 10,001 lbs, Gross Vehicle Weight (GVW). If a commercial vehicle is less than 10,001 lbs GVW, it is not subject to Federal Motor Carrier Safety Regulations (FMCSR), unless:

- The vehicle is designed to transport more than eight passengers (including the driver) for compensation.
- The vehicle is designed to transport more than 15 passengers, including the driver and is not used to transport passengers for compensation.
- The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued under the Hazardous Materials Transportation Act.

Heavy Duty trucks (10,001 lbs. GVW and above)

The definition for a heavy-duty fleet is a fleet consisting of vehicles with GVWs or gross combination weights (GCW) of 10,001 lbs. and above. Vehicles meeting this criteria range from a straight truck to the heaviest tractor-trailer rig. All vehicles 10,001 lbs. GVW/GCW and above in interstate commerce are regulated by the Department of Transportation through the Federal Motor carrier Safety Regulations (FMCSR). Many states have adopted these regulations for vehicles involved in intrastate commerce only.

Personal Vehicles

Personal vehicles are vehicles that are personally owned by the employee but are also used to perform company business. Personal vehicles can also range in type and are not only of the private passenger style. Personal vehicles must be considered a part of the fleet program because of the inherent risk they pose.

In efforts to eliminate liability and expenses, many contractors believe that by allowing or requiring employees to use personal vehicles to complete company business, they have accomplished this. This is not true. Even if provided with a vehicle usage allowance, if an accident occurs with the personal vehicle while performing company business, the company could have liability exposure.

Therefore, it is just as important to manage the personal vehicle use as it is the company owned vehicle use.

The Fleet Management Policy

Many employees operate company owned, leased, rented or personal vehicles as part of their jobs. Employees are expected to operate vehicles safely to prevent accidents which may result in

injuries and property loss. It should be the policy of any company which provides company vehicles or allows for the use of personal vehicles for company business to provide and maintain a safe working environment to protect their employees and the citizens of the communities in which they conduct business.

Today, many companies consider the use of vehicles a routine part of the working environment. Consequently, they should be committed to promoting a heightened level of safety awareness and responsible driving behavior within its employee base. In addition, the company must encourage and promote the efforts and commitment of employees in preventing vehicular accidents, to reduce personal injury and property loss claims.

A fleet safety policy must be in place, requiring full cooperation from each driver to safely operate his/her vehicle and to adhere to the responsibilities outlined in the Fleet Safety Program. This policy must apply to all employees who operate vehicles on company business, whether they are company owned, leased, rented or personal.

Management Responsibility

Employees in a management position are responsible for the successful implementation and on-going execution of the fleet safety program. This includes requiring, monitoring and enforcing all program elements.

Senior executives and the risk management department, in partnership with field level/division managers, are responsible for directing an aggressive vehicle safety program. To effectively manage a fleet safety program, management should be, at a minimum, responsible for:

- Implementing the Fleet Safety Program in their areas of responsibility.
- Completing and maintaining internal compliance documents.
- Providing assistance and resources necessary to effectively implement and maintain the program.
- Investigating and reporting all accidents involving a motor vehicle used in performing company business. All motor vehicle accident reports should be reviewed and trends communicated to all drivers to maintain awareness of pertinent issues.
- Taking appropriate action to manage high risk drivers as defined by the fleet program.
- Provide defensive driver training to all drivers and remedial training for high risk drivers.
- Issuing periodic reports of losses for risk management review.
- Revising and distributing changes to the Fleet Safety Program to managers, supervisors and drivers as necessary.

Employee Responsibilities

Every employee who is responsible for operating a company-owned vehicle or who uses a personal vehicle for company business must be required to fully cooperate with management, to safely operate and maintain his/her vehicle and adhere to the responsibilities outlined in the Fleet Safety Program. This policy must apply to all employees who operate vehicles for company business, whether company owned, leased, rented or privately owned.

Elements of a Proactive Fleet Management Program

Private Vehicle Use for Company Business

To limit expenses and administration requirements, some employers will require or authorize employees to use their personal vehicles to conduct company business. Employees who are authorized to drive their personal vehicles on company business must be subject to and agree to abide by the same principles of the fleet safety program as those who drive company-owned vehicles.

In addition to company fleet safety policies, personal vehicles used for company business need to be subject to the fleet safety policy:

- The vehicle is to be properly maintained with all annual registration and inspections up to date.
- Ensure all safety devices are maintained in working order and repaired immediately.
- The owner should maintain auto liability insurance with minimum limits of \$100,000 for bodily injury and \$300,000 for property damage with combined single limit of \$300,000.
- The vehicle is operated safely when driven on company business per the fleet safety policy.
- The driver's auto coverage should "Not exclude business use."

Unless otherwise defined in the fleet safety policy, during the times employees operate their personal vehicles to travel to and from the employees' homes as part of their regular commutes, the commute is generally not considered company business.

Personal use of company vehicles (not for business purposes)

Many companies will authorize certain employees to drive their company vehicles home on weekdays and weekends. In addition, some drivers may be granted the privilege of using the company vehicle for personal use. Although this is not uncommon, it poses a liability if usage policies and employee responsibilities are not established and enforced. If an employee is using the company vehicle on the weekend, is not using the vehicle for company business and is involved in an accident, the company still has liability exposure.

To control this exposure, a personal use policy should be created to establish the limits of use during off-work hours. Some common policies are:

- Assigned drivers and other authorized employees will not allow unauthorized individuals to operate a company vehicle (with no exceptions). If unauthorized use results in an accident, the responsible employee may be subject to disciplinary action, up to and including termination.
- Vehicles are not authorized to tow personal trailers (boats, RVs, motorcycles or other such vehicles).
- Cell phone, texting, two-way radio or other communication device use is prohibited during vehicle use.
- Vehicle use is limited to a pre-determined distance from the home, with no out-of-state travel.
- Vehicles are not to be used for hauling materials or household items.
- If the employee is involved in an accident, it is reported immediately to appropriate parties as per the fleet safety manual.
- Use of vehicle restraints (seatbelts) is mandatory for not only the employee but all passengers.
- The employee is not permitted to

pick up hitchhikers or unauthorized passengers.

- The employee must not transport hazardous materials.
- The vehicle must not be used as transportation to and from or used for "moonlight" or second jobs.
- The use of radar detectors is not authorized (as it encourages speeding).
- The vehicle must be garaged or parked in company-approved location.
- The vehicle must only be driven on improved road surfaces. Off-road activities are not authorized.

Seat Belts and Occupant Restraints

Proper use of occupant restraints, which include safety belts, has been clearly documented to save lives and/or reduce the severity of injuries. In some cases, their use can actually prevent accidents by keeping the driver behind the steering wheel when evasive vehicle maneuvers are made. These devices are an important and effective item of personal protective equipment in a vehicle that has been shown to reduce or prevent serious motor vehicle injuries and deaths during crashes.

The fleet safety policy regarding occupant restraint devices therefore should include:

- Available occupant restraints shall be used when operating any vehicle on company business.
 - The policy applies to all employees and to all occupants of vehicles being operated on company business, or if authorized, company vehicles being driven for personal use.
- Occupant restraint systems in all vehicles are to be maintained so that they are clean, easily accessible and in good working order.

Information on the company's commitment to the occupant restraint

policy along with the other fleet safety requirements should be emphasized in new hire employee orientations, driver/safety handbooks, routine and remedial driver training and by the manager during regular interaction with employees. New employees should be required to sign a written commitment to proper use of vehicle occupant restraints as a condition of employment.

Accident Recordkeeping, Reporting and Analysis

In order to effectively manage the vehicle fleet, all accidents must be reported. The driver's manager should be notified immediately following an accident. Management should obtain accident data from the driver through the Vehicle Accident Report Form and/or by verbal communication.

All accidents need to be investigated, regardless of how small they may seem at the time; not only those that involve injury or death to the driver, passengers or other parties. Over time, an accident, vehicle damage or any injuries once viewed as minor can evolve into a large claim. Management must immediately proceed with a formal investigation to determine the underlying causes as well as what can be done to prevent similar occurrences. The accident report should be forwarded to the insurance claims office along with any additional support data, such as witness statements, photographs, police reports, etc.

Proper accident investigation techniques are necessary to effectively manage the accident investigation process, the resulting claims, potential medical treatment for the affected employees, identify poor driving behaviors, vehicle maintenance or other contributing factors so they can be addressed. Items that can be identified through effective accident investigation and analysis are:

- The need to revise driver training and/or remedial training curriculum.
- Improved driver selection procedures.
- Improved vehicle inspection and/or maintenance activities.
- Changes in traffic routes, times and durations of travel.

Every company vehicle should have an accident reporting kit readily available in the event of an accident. At a minimum, the kit should include:

- An accident report form
- Pen or pencil and
- An inexpensive or disposable camera.

Training should be provided along with written instructions included with the cameras, explaining to the driver how to properly take pictures of the accident scene. Properly taken pictures are extremely effective in litigation or the decision to settle promptly because of company liability.

Cell phones, two-way radios or other communication devices

Using a cellular telephone while driving a motor vehicle puts the driver and others on the road at risk. Talking and texting on a cell phone while operating a motor vehicle takes the driver's attention off the primary duty of driving. The National Highway Traffic Safety Administration states that in 2010 alone, over 3,000 people were killed in distracted driving crashes.

A recent Carnegie Mellon Study shows that just listening to a cell phone significantly impairs a driver's brain imaging and shows that drivers are distracted - even if they don't talk.⁴ This research has also found that a driver on a cell phone is driving with such significant distraction that they can commit some of the same types of driving errors that a driver under the influence of alcohol commits.

The use of cell phones -- including dialing and texting -- has long been a safety concern for drivers. But the Carnegie Mellon study, for the first time, used brain imaging to document that listening alone reduces by 37 percent the amount of brain activity associated with driving. For the first time, the study conducted by Carnegie Mellon using brain imaging showed that drivers who were just listening to a cell phone had brain activity. This can cause drivers to weave out of their lane, based on the performance of subjects using a driving simulator.

As a matter of policy, all drivers who operate a motor vehicle on company business should not be authorized to drive a company vehicle while using cell phones (talking or texting) or other communication devices such as pagers, and two-way radios. Their use is dangerous when you are behind the wheel of a vehicle in traffic, even with use of a hands-free device. When placing or receiving cell phone calls, pull out of traffic to a safe location.

Driver Selection and Qualification

Application and interviews

Driver selection and qualification is the foundation of an effective fleet safety program. Hiring a driver with a poor driving record can expose the company to severe liability and possibly punitive damages. Court awards can exceed the limits of liability on an insurance policy, with the possibility of forcing a business out of operation. Every effort should be made to select only those candidates with driving records that meet specified standards. Negligent Hiring and Negligent Entrustment are two serious legal issues that can be negatively impacted by poor hiring practices.

The purpose of the interview is to develop more detail about the applicant's qualifications and experience and his/her overall suitability as an employee. A uniform interview pattern, including a written checklist, should be followed for a given job classification to secure the desired information and to more accurately compare applicants. The interview should be used to resolve any questions about the information obtained or omitted on the application. A visual check of the driver's license should be made to ascertain that it is current.

Reference Check

A check should be made with previous employer(s) to develop information about the driver's general character and professional ability. Factors such as length of employment, job performed, including operation of vehicles, accident record, ability to get along with others, and whether the previous employer would re-hire the individual should be included. This check can be accomplished by a phone call, a letter or a personal visit. The driver's file should verify that these checks were made and maintain a record of responses received.

Physical qualifications

The physical fitness of the driver to do the job, with or without a reasonable accommodation, must be considered before hiring. The employer should arrange for physical examinations with individual physicians or industrial clinics. The examining physician should be aware of the physical and emotional demands placed on the driver and should be aware of the requirements of the job so that it can be determined if the applicant is qualified for the position.

Motor Vehicle Record

Speeding (i.e., exceeding the speed limit or driving too fast for conditions) was a contributing factor in 8 percent of all

reported large truck crashes (National Highway Traffic Safety Administration, 2009).

Moreover, the Large Truck Crash Causation Study (LTCCS) reported that 22.9 percent of all large truck crashes and 10.4 percent of large truck/passenger car crashes were coded as "traveling too fast for conditions" (Federal Motor Carrier Safety Administration, 2006).⁵

A Motor Vehicle Record (MVR) evaluation program can aid in screening applicants and provide a basis for evaluating the driving performance of each company vehicle operator on a continuing basis. An effective program should be objective, unbiased and have full management support. The requirements for such a program include developing objective standards that relate to driving safety and applying these standards consistently.

The MVR program should be applied to all drivers of company vehicles, regardless of vehicle size. It should also be required for employees who use personal vehicles on company business.

The most reliable and convenient source for MVRs is the state issuing the driver's license. If the MVR is not available at time of hire, the applicant should understand that he/she will not be allowed to drive a company vehicle until receipt of an MVR that meets company standards. Upon receiving the MVR, if it does not meet company standards, the employee should be disqualified as a driver.

The MVR review process should contain predetermined criteria designed to reflect the company's standards that must be met by a prospective or current employee in order to be hired or maintain employment. Recognized MVR review criteria includes but is not limited to:

No convictions for:

- Driving under the influence of alcohol/drugs, and/or refusal to take a blood alcohol or drug test
- Any felony involving the use of a vehicle
- Vehicular homicide
- Fleeing or attempting to elude police
- Failure to stop and report an accident in which the driver was involved
- Reckless driving
- A violation arising in connection with a fatal accident of state or local law relating to motor vehicle traffic control
- Driving under a suspended or revoked license

Two or less moving violations for:

- Speeding
- Improper or excessive lane changes
- Following the vehicle ahead too closely
- At fault accidents
- Running a red light or stop sign
- Failure to yield right-of-way

License Suspension

Drivers must be required to notify their employer immediately, usually within 24 hours or before the driver's next use of the vehicle, if their license is suspended or revoked.

Driver Inspections

All company vehicle operators have the responsibility, with proper training, of inspecting their vehicle regularly to assure safe operation and proper maintenance. The fluids of the vehicle (oil, water, etc.) should be checked every time the vehicle is fueled. In addition, a quarterly inspection should be completed, the inspection documented, and sent to management.

If during the driver's inspection, any safety equipment or devices (turn signals, horn, headlights, proximity devices, etc.) are found defective or damaged, it must be reported to the maintenance department or manager and repaired

before the vehicle is allowed back onto the highway.

For passenger type vehicles, many companies contract with a fleet maintenance organization which will oversee repairs of this nature. If this is the case in your company, drivers need to know who to contact or to be trained in how to make the repairs themselves.

Vehicle Maintenance

Preventive maintenance in the passenger car, light truck and van fleet is mostly a matter of requiring vehicle operators to adhere to the manufacturer's service recommendations. Most passenger car fleets consist of vehicles that are bought or leased new, and replaced before unscheduled maintenance is expected to be a problem. The most difficult part of managing the program is implementation of controls to monitor the required maintenance. A vehicle maintenance program should contain elements such as:

- Maintenance records: A file should be set up on each vehicle. The file should contain:
 - Name of employee assigned the vehicle
 - Identification of the vehicle that includes:
 - Company number
 - Make
 - Serial number
 - Year and
 - Tire size
 - A systematic method to show due dates of the required maintenance
 - Records of maintenance showing the date and service provided
 - Records of repairs that are not scheduled
 - If the vehicle is not owned by the company, the name of the owner or lessee

- Pre-determined maintenance facilities approved by the company
- Methods for payment for maintenance services. If the driver cannot pay or be reimbursed for scheduled or emergency maintenance services, it may not occur.
- Many companies have contracts with Maintenance Service Providers. When this is the case, a written maintenance and repair policy should be prepared and given to each vehicle operator.

Motorcycles

According to the Federal Highway Administration, in 2009, there were 4,462 motorcycle crash-related fatalities in the United States—more than twice the number of motorcycle rider fatalities that occurred in 1997. This increase contrasts with a 27-percent reduction in the number of fatalities in passenger cars and light trucks.

Trends accompanying the rising motorcyclist death toll include a dramatic increase in motorcycle ownership, particularly by riders over 40, along with changes in other factors such as motorcycle size and rider experience. The rate of increase in fatalities has outpaced the rate of increase in motorcycle registrations, and the death and injury rates among middle-aged motorcycle riders have increased most rapidly.

Because of the high risk and dangers involved with motorcycle use, both from inexperienced riders, as well as the poor driving habits of other motorists, motorcycle use by employees for company business should be prohibited.

Training

As part of the driver screening and new hire process, driver training, skills and credentials necessary to perform required functions such as operating a specific

vehicle related to the employees scope of work, need to be verified.

New employees and temporary hires who will be operating a vehicle for company business should receive a copy of the fleet management program as part of their initial orientation. A formal orientation program should be established for all employees to help assure drivers are presented with the company fleet safety policy, understand their responsibilities and are familiarized with their vehicle(s). Some areas that should be addressed with the driver include:

- Accident reporting and emergency procedures.
- Operation and controls of vehicle being assigned.
- Vehicle inspection and maintenance requirements.
- Seatbelt usage
- Cell phone/Texting policy
- Personal and unauthorized use policies
- Drug and Alcohol policy

Remedial Training

Throughout the course of one's employment, drivers should be continuously monitored to identify poor driving habits, driving record (MVR) issues, vehicle accident trends or other concerns that would warrant the need for remedial driver training.

Once identified, it is the obligation of the employer to take necessary steps to correct unsafe driver habits or vehicle conditions or any other matter that can affect the safe operation of a company or other vehicle used to conduct company business. Management cannot look the other way or say they did not know.

Based on "Negligent Entrustment" cases and laws, employers are responsible to know who they have put behind the wheel and know - to the best of their

ability - the condition of the operators and their ability to safely operate the vehicles.

Use of Technology

With advances in technology, today's contractors have the ability to supplement tested fleet management practices with advances in tools, equipment and vehicle technologies.

Depending on the type of work to be performed and the inherent risks associated with a company's vehicle fleet, fleet managers need to be routinely up-to-date and trained on the latest technology regarding vehicle fleet safety and when able, use it to reduce their fleet exposures. Some vehicle safety devices commonly found in today's fleets are:

- Vehicle-mounted Global Positioning Systems (GPS): These allow the fleet manager to locate a vehicle at all times in the event it is stolen, has maintenance problems or other emergencies. It also allows the fleet manager to monitor the vehicle's speed and to alert the driver of detours and other road concerns.
- In-Vehicle Cameras: This tool is used on most types of vehicles today, from passenger cars to large strait trucks.
 - Rear camera versions allow the driver to watch the rear of the vehicle as well as see any blind spots when maneuvering the vehicle. Some versions also come with rear and in-cab audible warning alarms.
 - In-Cab driver facing versions, allow the video recording of the driver to monitor attentiveness, poor driving habits, talking / texting while driving, or other issues that can lead to potential vehicle accidents. These cameras can be used to assist Fleet Managers in assessing driver performance, determining refresher training frequencies and specific training topics.

- Tire Pressure Monitoring Systems: This is another common device available to fleet systems. It's used to monitor tire pressures whether too low or too high and notify the driver before and accident occurs as a result.
- Standard rear back-up alarms: This is used to alert pedestrians or other workers when the vehicle is in reverse.
- Collision Mitigation Radar Systems - Collision mitigation systems are radar-based systems mounted to the front of the vehicle. They automatically sense other vehicles in front preventing or reducing the impact of rear-end collisions. These systems include collision warnings, adaptive cruise control (ACC) and active braking.
- Other available systems include; lane departure and side collision warning systems.

Use of On-line Resources

As with the use of new technologies, there are a number of resources located on the web that can be used to supplement internal fleet management programs such as:

- On-line training web sites
- The FMCSA Safety and Fitness Electronic Records (SAFER) System offers company safety data and related services to industry and the public over the Internet. Users can search FMCSA databases, register for a USDOT number, pay fines online, order company safety profiles, challenge FMCSA data using the DataQs system, access the Hazardous Material Route registry, obtain National Crash and Out of Service rates for Hazmat Permit Registration, get printable registration forms and find information about other FMCSA Information Systems.
- Government and Motor Fleet Association web sites that provide resources such as standards and regulations and interpretations,

statistics, best practices, and other useful industry information necessary for the fleet manager to stay informed on issues regarding today's motor fleets.

Fleet managers, regardless of the size of their fleet, can and should utilize these resources in their efforts stay informed on matters regarding issues pertaining to their fleet.

Federal Motor Carrier Regulations

If your fleet operates vehicles that fall into the category of Heavy Duty trucks - a fleet consisting of vehicles with gross vehicle weights (GVW) or gross combination weights GCW) of 10,001 lbs and above engaged in interstate commerce - it is regulated by the Department of Transportation through the Federal Motor Carrier Safety Regulations (FMCSR). The following is an overview of the requirements under the FMCSR. Please note that this is a summary only, since these requirements may change. You will need to obtain current information regarding these requirements, and the following cannot be a substitute for obtaining advice from your insurance broker and legal advisers. The FMCSR are specific regulations pertaining to both vehicles and their operators and must be adhered to.

Some of the FMCSR that will affect a fleet are summarized here:

Motor Vehicle Record Checks

If your drivers are subject to the FMCSR or your state has adopted Part 391 of the FMCSR, you must order a motor vehicle record within 30 days of hire on a new driver. An MVR must be requested from each state in which the driver has held a vehicle operators permit or license during the past three years.

Driver Selection and DOT Qualification

Each manager has the responsibility to maintain qualification files for all drivers of regulated vehicles. The FMCSR application procedures require specific actions by both the driver and the employer.

Driver Qualification Files

Information needed for application for employment:

- Name and address of company
- Applicants name
- Address
- Date of birth
- Social security number
- Applicant's address for the prior three years
- Issuing state
- Number and expiration date of each unexpired commercial motor vehicle operator's license or permit
- Nature and extent of the applicants experience in operation of motor vehicles
- List of accidents for the prior three years, including date, nature, fatalities or personal injuries
- List of violations for the prior three years
- Statement explaining any denial of driving privileges or a statement that any such denial has not occurred
- List of employers for prior three years including name and address, employment dates, and reason for leaving
- Drivers applying to operate vehicles that require a commercial driver's license (CDL)
- A list of employers for the seven year period to the most recent three years including name and address, employment dates, and reason for leaving
- Certification by applicant that the above information is true and correct

Department of Transportation Identification Number (FMCSR 390.19)

If regulated vehicles are crossing state lines, the company must have a Department of Transportation Identification Number (DOT ID). The number can be requested by accessing the SAFER website (safersys.org) and completing the Motor Carrier Identification Report (Form MCS-150). This information must be updated every 24 months.

Safety Fitness Rating System (FMCSR 385)

If the company has a DOT ID number, it probably has a safety fitness rating. The current company safety fitness rating can be found on the SAFER website (safersys.org) by entering the company DOT ID number.

Safety Fitness Ratings

There are three possible safety fitness ratings:

- **Satisfactory:** A company has functioning, adequate safety management controls in place to meet the safety fitness standard prescribed in Section 385.5. Safety management controls are adequate if they are appropriate for the size and type of operation of the particular motor carrier.
- **Conditional:** A company does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in the occurrences listed in Section 385.5(a) through (h).
- **Unsatisfactory:** A company does not have adequate safety management controls in place to ensure compliance with the safety fitness standards which has resulted in occurrences listed in Section 385.5(a) through (h).

Compliance Review

A compliance review is an on-site examination of the company's records and operations to determine whether the company meets the safety fitness standard. The review may include an examination of the following aspects of the company's operations:

- Alcohol and controlled substance testing programs
- Driver's hours of service controls
- Driver qualification files
- Vehicle inspection and maintenance records
- Financial responsibility
- Accidents and accident investigation reports
- Hazardous materials records
- Roadside vehicle out-of-service records

Reference Checks

Within 30 days after employment, an investigation must be made on each driver's employment record for the previous three years. The completed application form should be used to identify previous employers. If the information received differs significantly from what is on the application for employment, clarification should be obtained from the driver. If you are satisfied with the driver's explanation, document the driver's explanation in the file. If the driver's explanation is unsatisfactory, appropriate action should be taken. If previous employers fail to respond to requests for information, document the file stating the nature of the attempts to get information.

Annual Review of Driving Record

A motor vehicle record should be requested for each driver every 12 months. This record, along with the driver's record of violations and any other record relating to the driving activities of a driver should be reviewed to determine if the driver meets the minimum company

qualifications for safe driving. This review should be documented in the driver's qualification file.

Driver's Record of Violations

Each driver must complete a document listing all the violations of motor vehicle laws and ordinances, other than violations involving parking, for which the driver has been convicted or forfeited bond or collateral over the previous 12 months. This document should be reviewed by management, along with other appropriate records to determine the driver's eligibility to drive based on company standards. This document can be removed from the file after three years.

Road Test

All applicants should be given a road test in the type vehicle they will operate. Certificates of the road test must be completed, a copy given to the driver, and a copy placed in the driver's qualification file. Although in some cases the FMCSR permit an equivalent of the road test (391.33), it is a good fleet management practice to require a road test on a company vehicle conducted by a company employee.

The road test must be of sufficient duration to permit the evaluator to determine the overall skills of the operator in the type vehicles or vehicles that will be operated. The road test should include:

- Pre-trip and post trip inspections
- Coupling and uncoupling of combination units
- Placing vehicles in operation
- Use of vehicle controls and emergency equipment
- Operating the vehicle in traffic
- Turning
- Braking
- Backing and parking

Medical Examiners Certificate

A DOT medical examination is required at the time of hire and every two years thereafter. The examinations must be on the form required in FMCSR 391.43. The only document required in the file is a copy of the Medical Examiner's Certificate. For drivers operating commercial vehicles, a copy of the current certificate must be carried at all times. If the complete physical examination is maintained on file, it should be in a secure file with limited access. Medical examination records can be removed after three years.

Controlled Substances/Alcohol Testing

Although not required as a part of the driver qualification file, files must be maintained on the controlled substance and alcohol testing required of drivers who have Certified Driver's Licenses (FMCSR Part 382.)

Limiting the Use of Wireless Communication Devices

The Federal Motor Carrier Safety Administration (FMCSA) published its final rule in September of 2010 that prohibits texting by Commercial Motor Vehicle (CMV) drivers while operating in interstate commerce. The rule also imposes sanctions, which includes civil penalties and disqualification from operating commercial motor vehicles in interstate commerce for those drivers who violate the rule.

Entry Level Driver Training

All drivers with less than one year experience operating a commercial motor vehicle that are required to have a commercial driver's license (CDL) must receive the following training:

- Driver qualification requirements
- Hours of service requirements
- Driver wellness
- Whistle blower protection

The driver should be issued a certificate of training and a copy of the certificate placed in the driver's qualification file.

Controlled Substance and Alcohol Testing

Drivers subject to the commercial driver's license (CDL) standards in Part 382 of the Federal Motor Carrier Safety Regulations must be in compliance with the controlled substance and alcohol testing requirements of Part 382. A procedure must be established for pre-employment, random, reasonable suspicion, post-accident, return to duty and follow-up testing. Drivers will be notified of the company's controlled substance and alcohol testing program at time of employment. All testing must be in compliance with Parts 382 and 40 of the FMCSR.

The definition of a commercial driver that meets these standards is any driver, who operates a commercial vehicle in interstate or intrastate operations, where the vehicle:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,000 pounds, or
- Has a gross vehicle weight rating of 26,001 pounds or more
- Is designed to transport 16 or more passengers, including the driver, or
- Any size vehicle transporting hazardous materials in amounts requiring placards.

Recordkeeping

A system of recordkeeping should be developed that covers the five-year, two-year, and one-year retention requirements in Part 382.401. These records must be maintained in a secure location with controlled access.

- **Medical Review**

A medical review officer or third party administrator must report the results of controlled substance tests to the company as required in Part 40 of the FMCSR.

- **Pre-employment Reference Checks**

The company must request alcohol and controlled substances information from previous employers as required in Part 40.25.

- **Removal of Drivers**

Drivers who have been determined to have violated this policy regarding use of alcohol or controlled substances shall be removed from safety sensitive functions as defined in 382.107. The services of the medical review officer must be made available and use of the employee assistance program initiated.

- **Employee Training**

The company will provide educational materials which explain the contents of the company policy (382.601). This includes a copy of the policy for each driver, training for supervisors (382.603), and referral procedures for evaluation and treatment (382.605).

Management of Hours of Service

All company drivers must comply with the hours of service regulations as outlined in Part 395 of the FMCSR. The following procedures must be used in managing hours of service compliance:

- The dispatcher will record each regulated driver's on-duty hours at the end of each day on a driver's log summary form. No driver will be dispatched for the next driving period unless the scheduled trip is within the hours available indicated on the driver's log summary.
- Each regulated driver must complete a driver's daily log for each day of the month. The driver must submit the original log to the dispatcher daily or inform the dispatcher at the end of

each on-duty period (trip) the hours on-duty during the previous period.

- At the end of the month, each dispatcher must review all drivers' logs, along with the supporting documentation, to verify that the logs are accurate. Supporting documents include such items as trip reports, expense vouchers, toll receipts, and any other document that will identify the location of a driver at a specific time.
- After reviewing the logs, the logs must be filed by driver's name, along with the supporting documents, for six months. All drivers' logs more than six months old should be removed from the files.
- If the driver is exempt from logging requirements based on the "100 air-mile rule", the driver should submit a completed "exempt log" at the end of each day. The log should be reviewed by management and filed by driver name for six months.

For a period of one year after an accident occurs, motor carriers are required to maintain an accident register containing the following information:

- Date and place of accident
- Driver's name
- Number of injuries and fatalities
- Hazardous materials (other than fuel) released, if any.

If an accident meets the DOT recordable definition, the accident should be recorded in a DOT Accident Register. The definition of a DOT recordable accident is an accident that involved any of the following:

- A fatality
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident

- Disabling damage to one or more motor vehicles, requiring the vehicle(s) to be towed or otherwise transported from the scene by a tow truck or other vehicle.

Companies are also required to maintain copies of all accident reports required by the state or other governmental entities or insurers for a period of one year after an accident occurs.

Inspection Repair and Maintenance Records

The company must assure that the inspection of its vehicles is in compliance with FMCSR regulations. All inspectors must be qualified by virtue of training and/or experience. Documentation of the most current inspection must be carried on the vehicle and the original of the inspection record must be kept on file for one year by the facility doing the inspection.

A file should be maintained on each vehicle, including trailers. The file should contain the following:

- An identification of the vehicle, including company name, make, serial number, year, and tire size. If the vehicle is not owned by the company, the record must show the name of the owner or provider
- A systematic method to show the type and due dates of the various levels of inspections and maintenance operations to be performed
- Records of inspections, repairs and maintenance showing date and type.

Driver's Daily Vehicle Inspection Report

A driver's daily vehicle inspection report should be completed by each driver for each vehicle operated at the end of the trip. The following procedures should be followed:

- The driver should turn in the original copy of the completed report at the end of each trip.
- Management should review the completed report and place it in a file if no defects were noted.
- If defects were noted, management should determine what repairs are required for safe operation of the vehicle, complete the repairs, and document the completed repairs on the original report.
- If repairs are not necessary for safe operation of the vehicle, this should be indicated on the report and place a copy of the completed report in the vehicle for review by the next driver.
- If repairs are necessary for safe operation of the vehicle, the vehicle should be taken out of service immediately until the repairs are made.
- When the repairs are completed, the mechanic doing the repairs must document the repairs on the original copy of the report, as well as the copy in the vehicle.
- Before driving a vehicle, each driver must review the last report. If defects were noted on the report. The driver must sign the report acknowledging that it was reviewed.

Periodic Inspections

Every vehicle that meets the definition of a commercial motor vehicle in the State or Federal Motor Carrier Safety Regulations must have an annual inspection. The annual inspection requirements can be met:

- Through a periodic inspection program of a state approved program
- By a certified roadside inspection or
- By an inspection performed by a certified garage.

Additional References/ Acknowledgements:

1. National Safety Council, Estimating the Cost of Unintentional Injuries - May 21, 2012. http://www.nsc.org/news_resources/injury_and_death_statistics/Pages/EstimatingtheCostofUnintentionalInjuries.aspx
2. The National Safety Council - Teen Driving and GDL Fact Sheet, http://www.nsc.org/safety_road/TeenDriving/Documents/TeenDrivingandGDLFactSheetFINAL2012.pdf, May 21, 2012.
3. Mature Drivers Survey (Final Report) by Knowledge Networks for Caring.com, May 23, 2008
4. Carnegie Mellon Study Shows Just Listening To Cell Phones Significantly Impairs Drivers - Brain Imaging Reveals Drivers Are Distracted Even if They Don't Talk http://www.cmu.edu/news/archive/2008/March/march5_drivingwhilelistening.shtml, March 5, 2008.
5. Research on the Safety Impacts of Speed Limiter Device Installations on Commercial Motor Vehicles: Phase II, March 2012, <http://www.fmcsa.dot.gov/facts-research/research-technology/report/Speed-Limiters.pdf>

- The Federal Highway Administration - Roadway Safety for Motorcycles (MAC-FHWA) - http://safety.fhwa.dot.gov/mac/mac_road_safety/mac_road_safety.htm, 9/25/08
 - The National Highway Traffic Safety Administration - Distracted Driving, <http://www.distraction.gov/>
- The Federal Motor Carrier Safety Administration (FMCSA) - Rules and Regulations, <http://www.fmcsa.dot.gov/rules-regulations/rules-regulations.htm>
 - FMCSA Safety and Fitness Electronic Records (SAFER) System - <http://www.safersys.org/>, 9/17/08
 - The Federal Motor Carrier Safety Administration (FMCSA) - <http://www.fmcsa.dot.gov/>, 9/17/08
 - The Federal Highway Administration, Motorcycle crash Causation Study - May 21, 2012 <http://www.fhwa.dot.gov/research/tfhrc/projects/safety/motorcycles/MCCS/>



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