



Idealease Safety Bulletin

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Are you using the FMCSA PSP Screening Program?

The Pre-Employment Screening Program (PSP) is a screening tool that allows motor carriers and individual drivers to purchase driving records from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available for 24 hours a day via the PSP web site.

Motor Carriers and drivers can enroll in the PSP program by going to the FMCSA PSP website link: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

“Red Flag” Driver Violations

When investigating a motor carrier, a Safety Investigator (SI) looks at driver history for egregious violations of the Federal Motor Carrier Safety Regulations (FMCSRs). These violations are sometimes referred to as Red Flag Violations and are always investigated as part of a carrier investigation. The SI conducting the investigation looks to see if the violation has been corrected. At present, there are 12 such violations, though this list may be updated periodically. These violations are outlined in the table below, along with the Behavior Analysis and Safety Improvement Categories (BASICS) to which they correspond.



BASIC	FMCSR Part	Violation Description
Driver Fitness	383.21	Operating a commercial motor vehicle (CMV) with more than one driver's license
Driver Fitness	383.23(a)(2)	Operating a CMV without a valid commercial driver's license (CDL)
Driver Fitness	383.51(a)	Driving a CMV (CDL) while disqualified
Driver Fitness	383.91(a)	Operating a CMV with improper CDL group
Driver Fitness	391.11	Unqualified driver
Driver Fitness	391.11(b)(5)	Driver lacking valid license for type of vehicle being operated
Driver Fitness	391.11(b)(7)	Driver disqualified from operating CMV
Driver Fitness	391.15(a)	Driving a CMV while disqualified
Controlled Substances/Alcohol	392.4(a)	Driver uses or is in possession of drugs
Controlled Substances/Alcohol	392.5(a)	Possession/use/under influence of alcohol less than 4 hours prior to duty
Fatigued Driving (HOS)	395.13(d)	Driving after being declared out-of-service (OOS)
Vehicle Maintenance	396.9(c)(2)	Operating an OOS vehicle

Any driver violations identified and addressed during carrier investigations that are not corrected may result in a driver Notice of Violation or Notice of Claim.

Question of the Week?

I am looking at hiring a driver for a commercial motor vehicle subject to the FMCSA regulations. In doing the safety history past employment investigation, I find that the driver has tested positive in the last 3 years for a controlled substance. Is the driver eligible for hire?

Answer:

At this point you must make sure that the driver is medically qualified to operate a commercial motor vehicle and has completed a rehabilitation program prescribed by a substance abuse professional (SAP) pursuant to §382.605. If the previous employer does not know this information (e.g., an employer that terminated an employee who tested positive on a drug test) the prospective motor carrier must obtain documentation of the driver's successful completion of the SAP's referral directly from the driver.

Most of you, I assume, would not put yourself in this situation by hiring the driver. However, is a positive drug or alcohol test a disqualifying offense listed in your driver hiring selection standards as is a DUI or OWI?

