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"DOT and CDL Regulation Enforcement Intensified"

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USDOT Regulations

The Federal Motor Carrier Safety Administration [FMCSA] has stepped up enforcement of the regulation that an active and valid US Department of Transportation [USDOT] identification number must be properly displayed on commercial motor vehicles conducting interstate business. This intensification began in July 2005 [although the rule was established four years ago].

The USDOT's regulations mandate that all motor vehicles designed or used to transport for compensation in interstate commerce more than 8 passengers [including the driver] be identified on both sides of the vehicle by [a] the legal name or a single trade name of the motor carrier operator and [b] the operator's motor carrier identification number preceded by the letters "USDOT."

The letters and numbers must contrast sharply in color with the background on which they are placed and must be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary. Generally speaking, letters and numbers that are two inches in height will satisfy the legibility standard. Such marking must be kept and maintained in a manner that retains the required legibility. The operator's name and USDOT identification number may be painted on the vehicle or displayed via a removable magnetic placard.

In the event that a vehicle is leased to another motor carrier, the lessee's name and USDOT identifier number must also be displayed on both sides of the vehicle and preceded by the words "operated by."

A violation of the vehicle identification requirements can result in a fine of as much as \$11,000, though the fines imposed will generally be far less than that amount.

Moreover, to the extent that a motor carrier's operations of such 9-15 passenger equipment are restricted entirely to a 75 air-mile radius of the driver's normal work reporting location, the only other USDOT safety regulations the carrier must satisfy are [a] to maintain an accident register and [b] to file an MCS-150 Form to obtain its USDOT identifier number. Such motor carriers are not required to maintain driver qualification files, nor must their drivers maintain daily driver logs. Indeed, such drivers are not even subject to the DOT's driver hours of service limitations.

With respect to the performance of for-hire passenger movements in interstate commerce, the USDOT will require the motor carrier operator to maintain a minimum of \$1.5 million of public liability insurance coverage in regard to any vehicle it uses with a seating capacity of 15 or fewer passengers [including the driver]. For vehicles with a seating capacity of 16 or more passengers, the public liability coverage must be at least \$5 million.

Black Cars and sedans operating interstate should also maintain in the vehicle at all times written confirmation from the USDOT of their USDOT identifier number, since those operators, by virtue of the size of the vehicles they are utilizing, are not obligated under the regulations to display that number on the exterior of the vehicle.

CDL Regulations

Under federal law, a driver who operates a vehicle with seating for 16 or more passengers [including the driver] must have a Commercial Driver's License [CDL]. The license is to be issued by the state where the driver resides.

Recently, the FMCSA ruled that states must verify a driver's eligibility before issuing or renewing a CDL by checking the National Driver Register and the CDL Information System. This double-check requirement necessitates fingerprinting for criminal background, drug testing and a biennial health examination.

Several states, insofar as intrastate operations are concerned, are even more stringent than the federal government, so operators should verify the requirements of their own jurisdictions. For example, New Jersey mandates the same scrutiny [as described above] for drivers who operate vehicles capable of carrying 6 or more passengers.

For vehicles that carry 8 or more passengers [including the driver], the USDOT mandates that the operator maintain driver qualification files and hour of service logs, as well as vehicle records of inspection, maintenance and repair.

Imminent Audits

USDOT has indicated it will be making a concerted effort to audit operators during the coming year with inspections that focus on driver qualifications, hours of service, drug and alcohol testing, vehicular maintenance and record keeping.

Carriers utilizing drivers required to hold CDLs must maintain current employees' drug and alcohol test results and criminal background checks in a discrete locked file cabinet that is strictly for USDOT.

Log books or time records that document the number of hours spent on duty and the hours engaged in driving must be kept for drivers who operate beyond a 75 air-mile radius of their normal work reporting location.

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