

**Fleet Safety Program**

January 1, 2014

FLEET MANAGEMENT POLICY

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**MOTOR VEHICLE SAFETY POLICY**

1. **Policy**

Many employees operate company owned 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 is the policy of Speedy Recovery Service to provide and maintain a safe working environment to protect our employees and the citizens of the communities where we conduct business from injury and property loss. The company considers the use of automobiles part of the working environment. The company is committed to promoting a heightened level of safety awareness and responsible driving behavior in its employees. Our efforts and the commitment of employees will prevent vehicle accidents and reduce personal injury and property loss claims. This program requires the full cooperation of each driver to operate their vehicle safely and to adhere to the responsibilities outlined in the Motor Vehicle Safety Program.

Elements of this program include:

Assigning responsibilities at all levels of employment.

Vehicle use and insurance requirements.

Employee driver's license checks and identification of high risk drivers.

Accident reporting and investigation.

Company Accident Review Board.

Vehicle selection and maintenance.

Training standards.

Safety regulations.

1. **Responsibility**

Management is responsible for successful implementation and on-going execution of this program. Supervisors and employees are responsible for meeting and maintaining the standards set forth in this program.

1. **Scope**

This policy applies to employees who operate vehicles on company business and will be reviewed by managers and supervisors to ensure full implementation and compliance.

**ORGANIZATION AND RESPONSIBILITIES**

1. Company President:

The company president is responsible for directing an aggressive vehicle safety program.

2. Management will:

A. Implement the Motor Vehicle Safety Program in their areas of responsibility.

B. Establish measurement objectives to ensure compliance with the program.

C. Provide assistance and the resources necessary to implement and maintain the

program.

3. Supervisors will:

A. Investigate and report all accidents involving a motor vehicle used in performing

company business. Forward all accident reports to the Vehicle Safety Coordinator.

B. Be responsible for taking appropriate action to manage high risk drivers as defined by this program.

C. Provide driver training either internally or through external means for high risk

drivers.

4. Vehicle Safety Coordinator:

A. Issue periodic reports of losses for the president's review.

B. Review motor vehicle accident reports as part of the Company Accident Review

Board.

C. Revise and distribute changes to the Motor Vehicle Safety Program to managers,

supervisors and drivers as necessary.

D. Maintain appropriate records.

5. Drivers will:

A. Always operate a motor vehicle in a safe manner as explained under the section titled,"Driver Safety Regulations".

B. Maintain a valid driver's license and DOT health card.

C. Maintain assigned vehicles according to established maintenance standards.

**VEHICLE USE**

1. Company Owned Vehicles

A. Passenger Cars

Employees authorized by their supervisors will be permitted to operate a passenger

car. No one under the age of 23 will be permitted to operate the vehicle.

B. Commercial Vans and Trucks

Employees with appropriate commercial driver's license (if required by the

state), authorization from their supervisor and qualified by state and Federal DOT

when applicable will be permitted to operate the vehicle.

2. Personal Vehicles on Company Business

Employees of Speedy Recovery Services are not authorized to use their personal vehicles for Speedy Recovery Services business.

4. Unauthorized Use of Vehicles

Assigned drivers and other authorized employees will not allow an unauthorized

individual to operate a company vehicle. No exceptions! Disciplinary action may be

taken. Additionally, if unauthorized use results in an accident, the responsible employee

will be required to make restitution for the damages.

5. Temporary Hire Employees

Temporary employees will be treated as company employees and will

comply with the requirements of this program. Failure to meet all requirements will

result in the immediate loss of driving privileges.

**DRIVER SELECTION**

1. Driver Evaluation:

Employees will be evaluated and selected based on their driving ability. To evaluate

employees as drivers, management will:

A. Review past driving performance and work experience through previous

employers reference checks. All new employees and current employees recently

assigned to driving duties will be required to complete the "Application Addendum

For Employment Requiring Driving".

B. Review the employee's Motor Vehicle Record (MVR) annually (more

frequently if reasons warrant).

C. Ensure the employee has valid driver's license.

D. Ensure the employee is qualified to operate the type of vehicle he/she will

drive.

2. Driver Qualification:

Effective driver qualification controls are important elements of a successful motor

vehicle safety program. Management developed and incorporated standards into this

program which reflect the skills necessary for satisfactory job performance while taking

into consideration applicable Federal and state regulations.

A. The company has implemented three levels of driver qualification criteria.

Use of any or all of these criteria is dependent upon the nature and scope of the

driving requirements.

1. State-regulated driver qualification parameters must be met. Regulatory

information will be obtained from applicable state departments of transportation

and motor vehicle services.

3. Drivers involved in interstate or foreign commerce in vehicles with Gross Motor

Vehicle Weight Rating (GMVR) of 10,001 pounds or more, designed to transport

16 or more passengers, including the driver, or used in the transportation of

hazardous materials in a quantity requiring placarding under the DOT Hazardous

Materials Regulations, are subject to the requirements of the DOT Federal

Highway Administration's Federal Motor Carrier Safety Regulations.

4. Drivers involved in intra or interstate operations with GMVR of 26,001 pounds or

more must have a CDL license and be enrolled in a DOT Drug and Alcohol

Testing Program.

B. The following criteria was established to identify high risk drivers. A

driver is unacceptable if the driver's accident/violation history in the past year

includes one or more of the following moving violation convictions:

1. Driving under the influence of alcohol or drugs (DWI).

2. Hit and run.

3. Failure to report an accident.

4. Negligent homicide arising out of the use of a motor vehicle.

5. Operating during a period of suspension or revocation.

6. Using a motor vehicle for the commission of a felony.

7. Operating a motor vehicle without the owner's authority.

8. Permitting an unlicensed person to drive.

9. Reckless driving.

10. Speeding (3 or more in a 3 year period).

Drivers who are identified as high risk or in violation may be subject to several

actions from management including, but not limited to:

1. Driver may be required to attend a Defensive or Safety Driving course on their

own time & expense.

2. Driver may have their driving Privileges suspended or revoked.

**ACCIDENT RECORDKEEPING, REPORTING AND ANALYSIS**

1. This company considers elimination of motor vehicle accidents as a major goal. To meet this objective, all accidents will be reported to management, investigated, documented and reviewed by the Company Accident Review Board. The investigation identifies need for:

A. A more intensive driver training and/or remedial training.

B. Improved driver selection procedures.

C. Improve vehicle inspection and/or maintenance activities.

2. Motor vehicle accident record keeping procedures consist of the following components:

A. Documentation of causes and corrective action.

B. Management review to expedite corrective action.

C. Analysis of accidents to determine trends, recurring problems and the need

for further control measures.

3. Responsibility:

Implementation of these procedures remains the responsibility of both the driver and management.

A. Driver

Since the driver is the first person at the accident scene, he/she will initiate

the information-gathering process as quickly and thoroughly as is feasible.

B. Management

Management will obtain accident data from the driver through the Accident Report form and/or by verbal communication. It is important for management to determine the extent of the accident, especially if it involves injury or death to the driver, passengers, or other parties.

C. Management will 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 will be forwarded to the insurance claims office

along with any additional support data (e.g., witness statements, photographs, police

reports, etc.).

4. Driver Participation In Repair Costs:

If a vehicle is involved in an accident which is determined preventable, driver

reimbursement to the company should be as follows:

1. The first $1000.00 of the repair cost, per accident, if the vehicle is repairable, will be charged back to the driver.

B. If the vehicle is a total loss, the driver will be charged $1000.00.

5. Preventable/Non-Preventable Accidents:

The following definitions relate to motor vehicle accidents:

A. A motor vehicle accident is defined as "any occurrence involving a motor

vehicle which results in death, injury or property damage, unless such vehicle is

properly parked. Who was injured, what property was damaged and to what extent,

where the accident occurred, or who was responsible, are not relative factors".

B. A preventable accident is defined as "any accident involving the vehicle,

unless properly parked, which results in property damage or personal injury and in

which the driver failed to do everything he/she reasonably could have done to prevent

or avoid the accident".

NOTE 1: A properly parked motor vehicle is one that is completely stopped and parked whereit is legal and prudent to park such a vehicle or to stop to load/unload property.

Vehicles stopped to load/unload passengers is not considered parked.

NOTE 2: Parking on private property will be governed by the same regulations that apply onpublic streets and highways. A vehicle stopped in traffic in response to a sign, trafficsignal or the police is not considered parked.

C. The determination of preventability of an accident is the function of the

Company Accident Review Board.

NOTE 3: See attached "Guide For Preventable and Non-preventable Accidents" in Appendix.

**EMPLOYEE ACCIDENT REPORTING PROCEDURE**

Employees will take the following actions when there are injuries to persons and/or damage to other vehicles or property:

1. If possible, move the vehicle to a safe location out of the way of traffic.

Call for medical attention if anyone is hurt.

2. Secure the names and addresses of drivers and occupants of any vehicles

involved, their operator's license numbers, insurance company names and policy

numbers, as well as the names and addresses of injured persons and witnesses.

Record this information on the Accident Report form (in the reporting packet). Do

not discuss fault with, or sign anything for anyone except an authorized representative

of Speedy Recovery Services , a police officer, or a representative of the

American Transportation Insurance Group .

3. Immediately notify the Vehicle Safety Coordinator Richard Grosvenor at 404-372-8383. If any injuries were involved and the Vehicle Safety Coordinator is not available, contact your supervisor immediately.

When there is theft of or damage to your vehicle only:

1. Whether you did or did not witness the damage to the vehicle, you must notify the local police department immediately.

2. Immediately notify Vehicle Safety Coordinator Richard Grosvenor at 404-372-8383.

3. Get a card with the case no. from the officer, fill out an incident report form outlining any additional information and give both to the Vehicle Safety Coordinator.

Note: Accident reporting kits: every company vehicle should have an accident reporting

kit in it. This should include an accident report form, pen or pencil, and an inexpensive or disposable camera.

**COMPANY ACCIDENT REVIEW BOARD**

All vehicle collisions should be analyzed, and a written report submitted to management forreview. A determination of accident preventability should be made. Where the collision waspreventable by the company driver, the driver should be counseled, given additional training,given time off without pay, placed on probation, transferred to non-driving duties, disciplined inother ways, or employment terminated according tocorporate, union, and governmental guidelines.

However, this does not absolve management from improving safety of the work and drivingenvironment. The Vehicle Safety Coordinator, drivers and management personnel should eachparticipate in the analysis. Management deficiencies and/or lack of management action shouldalso be part of the accident review. Management has the legal obligation not only for driversafety but the safety of the general public as well.

To determine preventability an accident review board has been established. Members consist ofboth management and field personnel. Their main charge, of the review board, is to determinewhether the fleet accident was preventable or non-preventable and whether or not it is chargeableto the driver.

The attached material, "Guide for Preventable and Non-preventable Accidents", will be used as aguide for this determination, majority vote rules.The committee will report to the Vehicle Safety Coordinator within 3 working days the results oftheir review. The Vehicle Safety Coordinator will take the appropriate steps and communicatethe results to the affected driver and supervisor.

**VEHICLE SELECTION, INSPECTION AND MAINTENANCE**

1. Introduction:

Proper selection and maintenance of equipment are important aspects of this program.

Reduced operational costs and accidents from vehicle defects are the direct result of a

well implemented maintenance policy.

2. Vehicle Selection:

Selection of vehicles begins with understanding the wrong equipment can result in

excessive breakdowns, create hazards to personnel, incur costly delays and contribute to poor service and customer complaints. The company will purchase vehicles designed fortheir intended use.

3. Vehicle Inspection:

The employee responsible for the vehicle will inspect the vehicle daily before starting his/her route using theVehicle Inspection Report form (see appendix) and turn the report into the Mechanic or the Vehicle Safety Coordinator.

4. Vehicle Maintenance:

Vehicle maintenance can take the form of three distinct programs: preventive

maintenance, demand maintenance, and crisis maintenance. While all three types have

their role in the Motor Vehicle Safety Program, the most cost effective control is

preventive maintenance. The ground work for a good preventive maintenance program

starts with management. A review of manufacturer's specifications and recommendationsfor periodic preventive maintenance should be integrated with the actual experience ofthe vehicles.

A. Preventive maintenance (PM) is performed on a mileage or time basis. Typical PM

includes oil/filter changes, lubrication, tightening belts and components, engine tune-ups,brake work, tire rotation, hose inspection/replacement and radiator maintenance.

B. Demand maintenance is performed only when the need arises. Some vehicle parts are replaced only when they actually fail. These include light bulbs window glass,

gauges, wiring, air lines, etc. Other "demand maintenance" items involve vehicle

components that are worn based on information from the vehicle condition report.

These include tires, engines, transmissions, universal joints, bushings, batteries, etc.

Since these situations are identified through periodic vehicle inspection, they can

actually be classified within the PM program.

C. Crisis maintenance involves a vehicle breakdown while on the road. While situations

of this type may happen regardless of the quality of the PM program, it is an

expensive alternative to not having an effective preventive maintenance program at

all. Crisis maintenance situations should be minimized through proper PM

procedures.

5. Recordkeeping:

This company's vehicle selection, inspection and maintenance program is only as good as its recordkeeping procedures. The Mechanic will forward all vehicle maintenance records for maintenance performed each week to the Vehicle Safety Coordinator.

**DRIVER TRAINING**

1. Drivers hired by this company to operate a motor vehicle will have the basic skills and

credentials necessary to perform this function as confirmed through the driver selection

process.

2. New employees and temporary hires will receive a copy of this program as part of their initial orientation. A formal orientation program is established to help assure all drivers are presented with the company policy, understand their responsibilities and are familiarized with their vehicle. Areas that must be addressed, with the driver, include:

a. Understand, review and given a copy of the Fleet Safety Program.

b .Understand and sign the Vehicle Assignment Agreement.

c. Review individual Motor Vehicle Report (MVR).

d. Understand accident reporting & emergency procedures.

e. Review operation and controls of vehicle being assigned.

f. Inspect vehicle using Vehicle Inspection Form.

A copy of this program will be kept in the vehicle.

3. License Suspension:

Drivers must notify the Vehicle Safety Coordinator if their license is suspended or

revoked.

4. Remedial Training:

Drivers may be required to attend a safe driving school (National Safety Council

Defensive Driving course or equivalent) or an alcohol/drug abuse program on their own

time and at their own expense if a review of the driver's MVR indicates:

A. One or more violation convictions within any one-year period, or

B. A conviction for driving while under the influence of alcohol or drugs.

Also, depending on the severity of the conviction, the employee's driving privileges may

be revoked and/or may result in employment termination.

**DRIVER SAFETY REGULATIONS**

1. Safety Belts:

The driver and all occupants are required to wear safety belts when the vehicle is in

operation or while riding in a vehicle. The driver is responsible for ensuring passengers

wear their safety belts.

2. Impaired Driving:

The driver must not operate a vehicle at any time when his/her ability to do so is

impaired, affected, influenced by alcohol, illegal drugs, prescribed or over-the-counter

medication, illness, fatigue or injury.

3. Traffic Laws:

Drivers must abide by the Federal, state and local motor vehicle regulations, laws and

ordinances.

4. Vehicle Condition:

Drivers are responsible for ensuring the vehicle is maintained in safe driving condition.

Drivers should check for obvious defects before leaving the office/lot and, if necessary, request another vehicle if the first vehicle is deemed unsafe by the employee.

1. Cellular Telephones and Walkman’s:

 The following procedures apply to employees driving on company business who wish to use cellular telephones in the vehicle.

A. External speaker and microphone must be used to allow hands-free

operation.

B. Phone number memory and programming capabilities are to be used.

C. Drivers are to refrain from placing outgoing calls or responding to text

while the vehicle is in motion.

D. Incoming calls should be limited.

E. For any vehicle equipped with cellular telephone that does not meet the

above equipment specifications, use of the telephone is authorized when

the vehicle is safely parked.

F. Employees are prohibited from using a Walkman or similar device while

operating a motor vehicle.

6. Motorcycles:

Employees are prohibited from using motorcycles when traveling on company business.

7. General Safety Rules:

Employees are not permitted to:

A. Pick up hitchhikers.

B. Accept payment for carrying passengers or materials.

C. Use any radar detector, laser detector or similar devices.

D. Push or pull another vehicle or tow a trailer that has not been assigned for repossession.

E. Transport flammable liquids or gases.

F. Use of burning flares will be discouraged. The preferred method is the

use of reflective triangles.

G. Assist disabled motorists or accident victims beyond their level of medical

expertise. If a driver is unable to provide the proper medical care, he/she must restrict

his/her assistance to calling the proper authorities. Your safety and well being is to be

protected at all times.

8. Company and Personal Property:

Employees are responsible for company property such as computers, work papers and

equipment under their control. The company will not reimburse the employee for stolen

personal property.

**APPENDIX**

Forms/Attachments

Vehicle Assignment Agreement

Application Addendum For Employment Requiring Driving

Guide For Preventable and Non-preventable Accidents

Vehicle Inspection Report

DOT Compliance

**VEHICLE ASSIGNMENT AGREEMENT**

The undersigned hereby acknowledges receipt for the use of a company-owned vehicle, used to perform my job duties. I understand this vehicle is to be regularly maintained and serviced, according to the service schedule outlined in the Owner's Manual or the instructions issued by the Vehicle SafetyCoordinator, whichever is appropriate.

Further, it is agreed this vehicle will be operated in a safe manner. I agree to wear my seat belt whenever the vehicle is in motion and will require other occupants to do so. I agree to be responsible for all traffic and parking violations that occur while the vehicle is assigned to me.I understand articles of this agreement apply regardless of who is operating this vehicle or if I am operating a different vehicle owned by the company. I may authorize others to drive this vehicle according to the following guidelines:

Licensed employees of Speedy Recovery Services. Other licensed drivers as I so designate in emergency situations only. I agree to promptly report all accidents or incidents resulting in injury or damage to the vehicle or other property, no matter how slight.

I understand I am required to maintain a valid driver's license and DOT health card. Further, I herewith grant Speedy Recovery Services the right to investigate my motor vehicle driving record at any time. My current driver's license is issued from the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_and is No.\_\_\_\_\_\_\_\_\_­­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

If my driving record contains two moving violations within one-year period, my record will be brought up before the Company Accident Review Board for consideration of remedial trainingand/or loss of driving privileges. I will be required to attend a safe driving class on my own time and at my expense, and to provide the Vehicle Safety Coordinator with confirmation of attendance within thirty days of notification if decided by the review board. Further, I will not take any company vehicle out of the State of Georgia without written permission from the Vehicle Safety Coordinator. I agree to reimburse the company for damages done to any company vehicle because of my negligence. In the event of an accident, which has been determined to have been my fault by citation, traffic court conviction, by my own admission, or determination by management, I recognize that I am responsible for the first $1000.00 of the repair cost, up to a maximum reimbursement of $1000.00 per accident, if the vehicle is repairable. If the vehicle is a total loss, I agree to be responsible for $1000.00 as reimbursement for the loss.I understand the operation of this vehicle in a safe operating condition is my responsibility. If this vehicle becomes unsafe, it is my responsibility to notify my supervisor immediately. I have read and agree to the provisions of this Vehicle Assignment Agreement and the requirements ofthe Motor Vehicle Safety Program.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_

**SIGNATURE DATE**

VEHICLE ASSIGNED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_VIN NUMBER:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PLATE NUMBER:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_MILEAGE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPLICATION ADDENDUM FOR EMPLOYMENT REQUIRING DRIVING**

Speedy Recovery Services, Inc.

2270 Stone Mountain Lithonia Rd.

Lithonia, GA 30058

770-484-6700

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: First /Middle/ Last

**DRIVER LICENSES:**

(list all licenses held in past 3 years and indicate those that are current)

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S TATE LICENSE NUMBER CLASS ENDORSEMENT(S) EXPIRATION

1.

2.

3.

Have you ever been denied, or had revoked or suspended any license, permit, or privilege to operate a motorvehicle? Yes \_\_\_\_\_ No \_\_\_\_\_

**If you answered YES to the above questions, give details:** (if additional space is needed, attach sheet)

**TRAFFIC CONVICTIONS AND FORFEITURES FOR PAST 3 YEARS:** (Other than parking)

LOCATION (CITY & STATE) DATE CHARGE PENALTY

1.

2,

3.

**DRIVING EXPERIENCE:**

 CLASS OF EQUIPMENT FROM/TO APROX. NO. OF TOTAL MILES

Automobile

Van/Pickup

Truck/Tractor

Bus

Other (Specify)

**ACCIDENT RECORD FOR PAST 3 YEARS:** (if additional space is needed, attach sheet)

DATE LOCATION NATURE OF ACCIDENT FATALITIES INJURIES

1.

2.

3,

**GENERAL:**

Have you ever been convicted of a felony? Yes \_\_\_\_\_ No \_\_\_\_\_

Have you ever been refused bond Yes \_\_\_\_\_ No \_\_\_\_\_

**If you answered YES to either question, give details:** (if additional space is needed, attach sheet)

**LIST SPECIAL TRAINING RELATED TO TRANSPORTATION:**

(If additional space is needed, attach sheet)

**TO BE READ AND SIGNED BY APPLICANT:**

This certifies that this application was completed by me, and that all entries on it and information in it are true andcomplete to the best of my knowledge. I understand that, if hired, any misrepresentation of information in thisapplication is cause for immediate dismissal. I authorize Speedy Recovery Services to investigate mybackground to ascertain all information of concern to my employment history, whether same is of record or not, andrelease those providing such information from all liability for any damages resulting from furnishing thisinformation. Further, I understand that I may be asked to demonstrate my ability to perform the essential functionsnecessary to complete the job and, if offered the job, that it may be conditioned on results of a physical examination,and controlled substances and alcohol misuse test.

DATE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT'S SIGNATURE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PRINTED NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**GUIDE FOR PREVENTABLE OR NONPREVENTABLE ACCIDENTS**

An accident is preventable if the driver could have done something to avoid it. Drivers are expected to drive defensively. Which driver was primarily at fault, who received a traffic citation, or whether a claim was paid has absolutely no bearing on preventability. If there was anything the driver could have done to avoid the collision, then the accident was preventable.

An accident is non-preventable when the vehicle was legally and properly parked, or when properly stopped because of a law enforcement officer,a signal, stop sign, or traffic condition.If a stationary object is struck, then it is usually a preventable incident. If the driver rear ends another vehicle then it is usually a preventable incident. It should be noted there are exceptions to any rule, but they are just that - exceptions!

It should be the objective of any person discussing or judging accidents to obtain as many facts as possible and to consider all conceivable conditions. Adverse weather conditions, actions of other drivers, or other such excuses must not influence the judgment of preventability. If procedures, scheduling, dispatching, or maintenance procedures out of the control of the driver were found to be factors, that should be taken into account. The company must take responsibility for the work environment and recognize that drivers cannot control some aspects.It is critical that drivers have the ability to refuse to operate an unsafe vehicle without reprisal from management.

Professional drivers are expected to drive in a manner which allows them to avoid conflicts when they arise. Whether a driver has a 25-year safe driving record or started driving the day before has no bearing on whether an accident is or is not preventable. Taking a fair attitude does not mean leniency. If an accident is judged non-preventable and the drivers know the accident could have been avoided, they will lose respect for the safety program.

**QUESTIONS TO CONSIDER - GENERAL**

When judging or discussing preventable accidents, these are some questions to consider:

1. Does the report indicate that the driver considers the rights of others or is there evidence of poor driving habits which need to be changed?

2. Does the report indicate good judgment? Such phrases as "I did not see," "I didn't think,""I didn't expect," or "I thought" are signals indicating there is something wrong. An aware driver should think, expect, and see hazardous situations in time to avoid

collisions.

3. Was the driver under any physical handicap which could have been contributory? Did

the accident happen near the end of a long and/or hard run? Did the driver get sufficient sleep before the trip? Is the driver's vision faulty?

4. Was the vehicle defective without the driver's knowledge? A gradual brake failure, a vehicle which pulls to the left or right when the driver applies the brakes, faulty windshield wipers, and similar items are excuses, and a driver using them is trying to evade responsibility. Sudden brake failure, loss of steering, or a blowout may be considered defects beyond the driver's knowledge; however, the inspection and maintenance program should work to prevent these hazards.

**QUESTIONS TO CONSIDER**

**SPECIFIC TYPES OF ACCIDENTS**

**Intersection Collisions**

Failure to yield the right-of-way, regardless of stop signs or lights, is preventable. The only exception to this is when the driver is properly proceeding at an intersection protected by lights or stop signs and the driver's vehicle is struck in the extreme rear, side, or back.Regardless of stop signs, stop lights, or right-of-way, a professional driver should recognize that the right-of-way belongs to anyone who assumes it and should yield accordingly. In addition, a professional driver is expected to know the turning radius of the vehicle and be able to avoid damaging others. These accidents are normally considered preventable.

1. Did the driver approach the intersection at a speed safe for conditions?

2. Was the driver prepared to stop before entering the intersection?

3. At a blind corner, did the driver pull out slowly, ready to apply the brakes?

4. Did the driver operate the vehicle correctly to keep from skidding?

**IF THE ANSWER TO ANY QUESTION IS NO,**

**THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

**Sideswipes**

Sideswipes are often preventable since drivers should not get into a position where they can be forced into trouble. A driver should pass another vehicle cautiously and pull back into the lane only when he or she can see the other vehicle in the rearview mirror. A driver should also be ready to slow down and let a passing vehicle into the lane. A driver should not make a sudden move that may force another vehicle to swerve. Unless the driver is swerving to avoid another car or a pedestrian, sideswiping a stationary object is preventable.Drivers are expected to be able to gauge distances properly when leaving a parking place and enter traffic smoothly. A driver is expected, whenever possible, to anticipate the actions of an oncoming vehicle.Sideswiping an oncoming vehicle is often preventable.The doors of a vehicle should never be opened when it is in motion, and should not be opened on the traffic side, unless clear of traffic, when it is parked. A parked vehicle can be seen from a sufficient distance; therefore, the operator of an approaching vehicle should be prepared in case the doors of the parked vehicle are opened. This type of accident is non-preventable only when the door is opened after the driver has passed it.

1. Did the driver look to front and rear for approaching and overtaking traffic immediately

before starting to pull away from the curb?

2. Did the driver signal before pulling away from the curb?

3. Did the driver look back rather than depend only upon rearview mirrors?

4. Did the driver start into traffic only when this action would not require traffic to change

its speed or direction in order to avoid his or her vehicle?

**IF THE ANSWER TO ANY QUESTION IS NO,**

**THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

**Skidding**

Many skidding conditions are caused by rain, freezing rain, fog, and snow, which all increase the hazard of travel. Oily road film, which builds up during a period of good weather, causes an especially treacherous condition during the first minutes of a rainfall.Loss of traction on a grade can be anticipated, and these accidents usually are preventable.

1. Was the driver operating at a safe speed considering weather and road conditions?

2. During inclement weather was the driver keeping at least twice the safe following

distance used for dry pavement?

3. Were all actions gradual?

4. Was the driver anticipating ice on bridges, gutters, ruts, and near the curb?

5. Was the driver alert for water, ice or snow in shaded areas, loose gravel, sand, ruts, etc.?

6. Did the driver keep out of other vehicle tracks or cross them at wide angles?

**IF THE ANSWER TO ANY QUESTION IS NO,**

**THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

**Pedestrian and Animal Collision**

All types of pedestrian accidents, including collision with pedestrians coming from between parked cars, are usually considered preventable. There are few instances where the action of pedestrians is so unreasonable that the operator could not be expected to anticipate such anoccurrence.Collisions with animals are normally preventable, unless the movement on the part of an anima lwas unusual and unexpected. This is also taking into consideration the fact that the driver was

aware of animals in the vicinity.

1. Did the driver go through congested sections expecting that pedestrians would step infront of the vehicle?

2. Was the driver prepared to stop?

3. Did the driver keep as much clearance between his or her vehicle and parked vehicles, as safety permitted?

4. Did the driver stop when other vehicles had stopped to allow pedestrians to cross?

5. Did the driver wait for the green light or stop for the caution light?

6. Was the driver aware of children and prepared to stop if one ran into the street?

7. Did the driver give all pedestrians the right-of-way?

8. Did the driver stop for a school bus which was stopped and properly signaling that

passengers were loading or unloading?

**IF THE ANSWER TO ANY QUESTION IS NO,**

**THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

**Parked or Stopped**

Accidents occurring when vehicles are properly and legally parked are considered

Non-preventable. Accidents occurring while the vehicle was double parked or in a "No Parking"zone are preventable.

1. Was the vehicle parked on the proper side of the road?

2. Was it necessary to park near the intersection?

3. Did the driver have to park on the traveled part of the highway, on the curve, or on the hill?

4. When required, did the driver warn traffic by emergency warning devices?

5. Did the driver park parallel to the curb?

6. Was it necessary to park so close to an alley or directly across from a driveway?

**IF THE ANSWER TO ANY QUESTION IS NO,**

**THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

**Non-collision Vehicle Damage, Mechanical Failure, and Miscellaneous**

**Problems**

The accident should be considered preventable if the investigation shows a mechanical defect of which the driver was aware, a defect the driver should have found by inspecting the vehicle, or the driver caused by rough and abusive handling.

When a mechanical failure is sudden or unexpected, not resulting from abuse or ordinary wear, it may be considered non-preventable. Bad brakes should not be considered a mechanical failure unless the failure was sudden and the driver could have had no previous knowledge of the condition. However, this type of failure cannot excuse a driver who does not know how to properly pre-trip inspect the vehicle or is too lazy to do the inspection correctly.It is a driver's responsibility to keep the cargo in mind and be aware of any sudden vehicle movements which may cause damage to the cargo. Driving off the highway to avoid a collision may be preventable. Drivers should try not to place themselves in such a position. "U" turns are a monkey wrench in the smooth flow of traffic. Accidents which occur while this maneuver is attempted are considered preventable.

1. Could the driver have done anything to avoid the accident?

2. Was the driver's speed safe for conditions?

3. Did the driver obey all traffic signals?

4. Was the driver's vehicle under control?

5. Did the driver follow the routing instructions?

**IF THE ANSWER TO ANY QUESTION IS NO,**

**THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

**Daily Vehicle Inspection Checklist**

**Instructions**

Speedy Recovery Services employees are required to complete a copy of this form prior to the operation of any Speedy Recovery Services owned and operated vehicle. Completion of this form prior to operation is critical in the identification and avoidance of potential vehicular malfunctions/defects that may create potential health and safety issues. This form must be submitted to the Mechanic or General Manager at the end of each shift.

**Make/Model/Year**:

**Vehicle Number**:

**VIN#**:

**Odometer Reading**:

Place an “X” beside each line item as appropriate.

|  |  |  |
| --- | --- | --- |
| **Yes** | **No** | **Record Defects beside Items** |
|  |  | **General** |
|  |  | Windows/windshield not severely cracked  |
|  |  | Windshield wipers work  |
|  |  | Heating/air conditioning and windshield defogging systems work |
|  |  | Interior lights work  |
|  |  | Headlights (high beam/low beam) work |
|  |  | Tail lights/brake lights work  |
|  |  | Horn works  |
|  |  | Tires in good shape (no damaged or bald tires and all appear to be properly inflated) |
|  |  | No unusual oil/grease leaks (at wheel seals or under the vehicle)  |
|  |  | No air leaks (walk around vehicle and listen for air leaks while driver applies the brakes) |
|  |  | Copy of the annual safety inspection (either sticker or form) available |
|  |  | Mirrors are in good position and are properly adjusted |
|  |  | There are no visible fuel leaks, and the odor of gasoline is not detected |
|  |  | Emergency brake is in good working order |
|  |  | Power brakes are in good working order |
|  |  | Seat belts work and are free of damage / excessive wear |
|  |  | Exhaust system is in good working order |
|  |  | Wheels and fasteners are fitted tightly |
|  |  | The vehicle has no warning lights on |
|  |  | Fuel levels are sufficient  |
|  |  | Oil level is sufficiently high |
|  |  | Washer fluid levels are sufficiently high |
|  |  | Emergency roadside supplies are properly stocked and located in vehicle |
|  |  | Suspension is in good working order |
|  |  | Turn signals work |
|  |  | Radiator fluid levels are sufficient |
|  |  | Vehicle is free of excessive damage |
|  |  | All loads are fastened/secured appropriately |
|  |  | All doors, hatches and tail-gates are in good working order |
|  |  | Vehicle condition is satisfactory |
|  |  | Defects reported |
|  |  | **WHEEL LIFTS AND FLAT BEDS** |
|  |  | Go Jacks |
|  |  | Wheel Lift Straps and Safety Chains |
|  |  | Dollies and Dolly Straps (if applicable) |
|  |  | Safety Triangles |
|  |  | Fire Extinguisher |
|  |  | Digital Camera and Back up disposable camera |
|  |  | Registration and Insurance Card |
|  |  | Appropriate Company Field Forms |
|  |  | Drivers Manual |

**Inspection Performed By:**

 **Employee Name**:

**Signature**:

**Date**: **Time**:

**I. DOT Compliance**

A. Introduction to D.O.T. Regulations

The Federal Highway Administration (FHA) regulates interstate trucking operations

through the U. S. Department of Transportation. D.O.T. developed the Federal Motor

Carrier Safety Regulations (FMCSR) as the standards for compliance by any trucking

operation under their jurisdiction. The FMCSR is a series of regulations divided into

"parts" as follows:

Part # Subject

383.... Commercial Drivers License Standards

390.... General

391.... Qualifications of Drivers

392.... Driving of Motor Vehicles

393.... Parts and Accessories for Safe Operations

394.... Notification and Reporting of Accidents

395.... Hours of Service of Drivers

396.... Inspection and Maintenance

399.... Employee Safety and Health Standards

References will be made throughout this manual to the FMCSR and various parts by

number to indicate actual D.O.T. regulations rather than Company policy.

B. General Provisions of the Federal Motor Carrier Safety Regulations (FMCSR)

Part 390

1. Generally, all private motor carriers of property and for-hire motor carriers,

operating in interstate or foreign commerce, must comply with the FMSCR.

Additionally, state and local laws must be obeyed.

2. Section 390.3(a) reads: "The rules in subchapter B (the entire FMCSR), are

applicable to all employers, employees and commercial motor vehicles, which

transport property in interstate commerce." This means that any person who

requires or permits a violation is subject to the same penalty provisions as the

person who commits the offense.

3. Section 390.21 requires that every self-propelled commercial motor vehicle

operated by a private carrier of property shall be identified with the company

name, location, and 6-digit D.O.T. identification number on both sides of the

power unit.

C. D.O.T. Definitions are found in several places in the FMCSR. A list of applicable

definitions are shown in Appendix A.

D. D.O.T. Record Retention Requirements

1. All records relating to the administration of the Drug/Alcohol Abuse Policy must

be kept for 5 years. Individual negative results must be kept for 1 year for drugs

and 5 years for alcohol concentration of 0.02 or greater.

2. Driver qualification files must be kept for 3 years after a driver leaves the carrier's

employment or control (Section 391.51 (f)).

3. Driver qualification file records on current employees that may be removed after

they are 3 years old are: medical certificates, annual reviews, list of violations,

and amputee waiver letter (Section 391.51(h)).

4. Accident reports must be retained for 3 years (Section 394.9(d)).

5. Drivers' logs must be retained for 6 months (Section 395.8(k)).

6. Inspection, maintenance, and repair records must be retained where the vehicle is

either housed or maintained for a period of 1 year and for 6 months after the

vehicle leaves the motor carrier's control (Section 396.3(c)).

7. Drivers' daily vehicle condition reports must be maintained for 3 months (Section

396.11(c)).

II. Driver Qualification Standards

A. Selection Standards for All Drivers

It is of the highest priority that all drivers operating Speedy Recovery Services vehicles be fully qualified in accordance with both Company and D.O.T.

requirements. Briefly stated, a driver must meet the following requirements:

1. Be in good health and pass a D.O.T. physical (391.41).

2. Have the experience and training to safely drive (391.11):

a. (Optional) Have at least 1 year of commercial driving experience or be a

graduate of an accredited and company approved tow truck driver training school.

b. Not have more than 1 accident or 2 driving traffic violations over the most

recent 3 year period.

c. Not have been involved in a preventable type of accident within the past two

years.

d. Not have a D.U.I. conviction within the past 3 years, regardless of the type of

vehicle operated (company or private).

e. Not have had their driver's license suspended for traffic violations within the

past three years. Insurance/overweight tickets are excluded.

f. Not have been terminated by a previous employer for failure to comply with

safety regulations or for accident involvement.

3. (Optional) Be at least 23 years of age. The D.O.T. requirement is 21 years of age

(391.11). An exception to the 23 year age limit may be approved by the Vehicle

Safety Coordinator if the applicant is at least 21 years of age and meets the above

criteria.

4. Have no more than one valid commercial driver's license issued by their state of

legal residence (391.11).

5. Be able to determine whether the vehicle is safely loaded (391.11).

6. Pass a driver's road test (CDL drivers only) (391.31). A "Certificate of Driver's Road Test" from a

previous employer is not an acceptable substitute at Speedy Recovery Services.

7. Read and speak English well enough to perform their job (391.11).

8. Pass a controlled substance abuse screening test.

9. Not be disqualified to drive a commercial motor vehicle (391.15).

10. Not have a felony conviction within the past 5 years (391.15).

11. Have completed an approved application for employment (391.21).

B. Qualification Standards for "Regular" Drivers Speedy Recovery Services requires that all drivers, including temporary and leased drivers, meet all qualifications and complete the same hiring process as regular drivers.

1. Application for employment (391.21): The standard Speedy Recovery Services application must be completed by driver applicants. The I-9 Employment Eligibility Form must also be completed by all applicants.

2. Commercial Driver's License (CDL) (383)

The requirements for a CDL are shown in Appendix B. The applicant must show

the CDL to the hiring manager and enter the license number on each form where

it is required.

a. A copy of the CDL, Social Security Card, and the Physical Card must be

placed in the qualification file.

b. The driver applicant must also sign a Certification of Compliance with the

Commercial Motor Vehicle Safety Act of 1986.

3. Written Exam

As of January 1, 1995, the Written Exam is no longer required by D.O.T.

4. Drivers Road Test (391.31)

The Road Test is a very important element of the qualification process. A driver

may "look good on paper", but the Road Test proves their skills. This is the time

to note the applicant's driving ability for the employment decision or for

additional training if they are hired.

a. Three items must be completed as a result of the Road Test. The "Record of

Road Test" form and the "Certificate of Road Test" form must be completed

and placed in the driver file.

b. A "Certificate of Driver's Road Test" showing the applicant has a substitute

certification acceptable to D.O.T. is not an acceptable substitute for Speedy Recovery Services .

5. Reference Checks (391.23)

In making a thorough background check, an inquiry must be made into the

applicant's past three years of employment. However, it may be necessary to go

beyond the 3 years to get enough data to make a decision. While 3 years is the

D.O.T. standard for references, it is the minimum requirement for Speedy Recovery Services. If it is necessary, the hiring manager must go backfor 10 years or more to develop the history of the applicant.

a. Effective January 1, 1995, employers must obtain written verification from

previous employer(s) any controlled substance test results for the past two

years. The company must have a written record of the employment reference.

6. Motor Vehicle Record (MVR) Check (391.23)

a. The D.O.T. also requires that the MVR must be checked for the past 3 years

for every state where the applicant had a license.

b. The MVR check must be complete before the applicant is hired; however,

D.O.T. requires the check to be completed within 30 days after the driver is

employed.

7. Physical Examination (391.43) and Drug Screen (391.81)

All drivers of commercial vehicles and applicants must pass a D.O.T. physical

and drug screen. Unless certain medical problems become evident, the medical

certificate is good for a 2 year period.

a. Each driver applicant must complete a physical examination and drug screen

regardless of the period of time since their last previous tests. D.O.T. does not

require a new physical examination or drug screen if the driver applicant has a

current medical examiner's certificate.

b. Driver applicants are given the Drug/Alcohol Abuse Policy. They also asked

to sign an authorization and release of information from their physical

examination and drug screen prior to having an appointment arranged with the

Company Industrial Physician.

c. The examination and screen must be completed by a licensed physician who is

familiar with D.O.T. regulations covering both procedures. Two certificates

are issued by the doctor.

1. A signed Medical Examiners Certificate for the driver's file and a Doctor's

Examination Form.

2. A Medical Examiners Certificate "Pocket Card" for the driver is also

signed by the doctor.

8. Other Qualification Standards and Procedures

a. The Vehicle Safety Coordinator review of the driver applicant file must be

completed before a job offer is extended. All forms listed on the Driver

Qualification File Summary must be completed and included.

A copy of this form is placed in the qualification file.

c. Certificate of Violations (391.27) must be completed by every driver applicant

certifying a list of traffic violations for the past 12 months. This list is

updated annually by Speedy Recovery Services . A copy of this

form is to be placed in the qualification file.

D. Driver Qualifications for Continued Employment

1. Medical Examination (391.45)

Drivers must be medically examined and certified at least every 24 months. If

there is cause to believe that the driver may not be physically fit for duty, the

Company may require an earlier examination. Any earlier examination must have

the prior approval of the Vehicle Safety Coordinator/General Manager.

3. Drug Screen (382 subpart C)

A driver may be required to take a controlled substance/alcohol test for any of

five reasons. More information regarding controlled substance testing is

presented in Drug and Alcohol Testing Policy.

a. Pre-employment (drug only).

b. Reasonable Suspicion: Drivers will be required to take a test when the

Company requests it with good cause.

c. Random: The Company program must randomly test at least half of the

drivers each year for drugs and 25% for alcohol.

d. Post-Accident: Drivers involved in reportable accidents must be tested within

32 hours of the accident for drugs and 2 hours for alcohol.

e. Return-to-Duty & Follow-Up: Drivers who are returned to work after

successfully completing an Speedy Recovery Services approved

rehabilitation program are subject to continued testing.

4. Certificate of Violations (391.27)

This document is to be completed by each driver every 12 months as required by

D.O.T.

5. Motor Vehicle Record (MVR) Check (391.23)

An MVR will be obtained for each driver every 12 months, see Section 4 for

criteria, (D.O.T. requires annual checks).

6. Annual Review of Drivers' Safety Compliance (391.25)

At least once each 12 months, Speedy Recovery Services is required

to determine whether drivers meet minimum standards for safe driving.

a. In reviewing a driving record, the motor carrier must consider any evidence

that the driver has violated applicable provisions of the Federal Motor Carrier

Safety Regulations, state, or local traffic laws.

b. The review will include, as a minimum:

1. The most recent MVR;

2. The most recent biennial physical examination;

3. The driver's attendance record;

4. Performance improvement actions and correspondence

c. A form must be in the driver's file to show that the review was completed.

E. Recruiting Guidelines for Drivers

One of the most important elements in an effective Fleet Safety Program is to select

drivers from a pool of qualified applicants. This allows the hiring manager to be

highly selective for both Speedy Recovery Services and D.O.T. standards.

When a tight labor market does not allow for a large pool of qualified applicants,

additional recruiting techniques must be used to expand the driver applicant pool

rather than relaxing hiring standards.

III. Transportation Safety Program

A. Safety Rules

1. D.O.T. specifies many safety rules in the FMCSR (part

392). Drivers must be familiar with this part of the FMCSR and managers must

inform them of the rules which affect them. Several of the key rules are:

a. Emergency Stops: After making an emergency stop (4-way flashers already

activated) a driver must have the reflective triangles properly displayed within

ten (10) minutes (D.O.T. requires 10 minutes). The parking brake must be set

when the driver leaves the vehicle.

b. Reduced Speed for Weather: Drivers must use extreme caution when faced

with hazardous weather conditions.

c. Requirements for Lights: All lights and reflectors are to be clean. Headlights

are required 1/2 hour after sunset to 1/2 hour before sunrise; when it is

raining; OR when there is not enough light to see clearly 500 ft.

B. Driver's Vehicle Inspection Report (DVIR) (396.11)

Drivers must complete a DVIR for their vehicle at the end of each day. Speedy Recovery Services vehicles must also have aDVIR for each shift it is used within a 24 hour period. More DVIR information isincluded in Section VI.

C. Pre-trip Inspection (392.7 and 396.13)

Drivers must complete an inspection of the vehicle to be satisfied that it is in safe operating condition.

IV. Accident Reports and Records

A. Reporting of Accidents (Part 394)

1. Reportable accidents: An occurrence involving a vehicle engaged in interstate, foreign, or intrastate operations of a motor carrier resulting in any one of the following:

a. The death of a person.

b. Bodily injury to a person who, as a result of the accident, received immediate

treatment away from the scene of the accident.

c. One or more motor vehicles incurring disabling damage as a result of the

accident, requiring the vehicle to be transported away from the scene by a tow

truck or other vehicle.

2. Report all accidents to the Vehicle Safety Coordinator/General Manager. Fill out

the vehicle accident reporting kit maintained in each vehicle.

3. Driver Accident Reporting Procedure

a. Stop immediately.

b. Take steps to prevent more accidents at the scene.

c. Assist injured persons.

d. Upon request, provide your name and address, Speedy Recovery Services name and address, and tag number of the vehicle.

e. Do not volunteer unnecessary information:

1. Do not discuss the accident with anyone except police officers.

2. Do not make derogatory comments.

3. Do not admit fault or mechanical failure.

f. Record the names and license plate numbers of all witnesses.

g. Protect your vehicle and cargo. Unless injured, or instructed to do so by your

supervisor, do not leave the accident scene.

B. Accident Investigation

All vehicle accidents must be investigated by Management regardless of the extent of

injury or amount of damage.

1. The Vehicle Accident Investigation Report is used by Management to complete

their investigation.

2. Accidents should be investigated at the scene whenever possible. All D.O.T.

reportable accidents must have on-site investigation.

3. Driver Injuries: When a Speedy Recovery Services driver is injured

in a vehicle accident requiring hospital admission or resulting in an incapacity to

return home unassisted, a member of management will take the fastest

transportation available to be withthe driver and ensure that the best medical attention is given and that the driver's family is notified.

V. Hours of Service Requirements

A. Hours Limitations

A motor carrier must not require or permit a driver to drive:

1. More than 10 hours following 8 consecutive hours off-duty. This is known as the

10-Hour driving rule. This means that after drivers have taken 8 consecutive

hours (or more) off-duty, they are eligible for another 10-hour driving period,

provided there is not a violation of the "70 hours in 8 days" limitations shown

below.

2. After having been on duty 15 hours. The 15 hour rule does not limit drivers work

time to 15 hours a day. However, it does mean that they cannot drive after 15

hours on duty.

3. After being on duty more than 70 hours in any 8 consecutive days. This is not a

calendar week rule, it is a 8 consecutive day rule. Days with long hours at the end

of one week coupled with long hours at the beginning of the next week, can create

serious hours violations.

B. Preparing a Driver's Log

1. The log is an hour-by-hour graph of the driver's activity for each day.

2. The log must be kept current and turned in to the management upon completion of

each trip.( Speedy Recovery Services drivers do not need to record this information, vehicles are equipped with GPS units that record this information for the management staff).

3. If an hour’s violation occurs, it must be explained in written form. This does not excuse the violation; however, it is required by D.O.T.

4. All entries in logs must be true and correct.

C. Other Hours of Service Requirements

1. 100-Mile Radius Driver

Under certain conditions drivers that normally operate within a 100-air mile

radius of the work reporting location are exempt from making a daily log

according to D.O.T. regulations.

VI. Inspection, Repair & Maintenance (Part 396)

A. Inspection, Repair, and Maintenance Records

Generally, motor carriers must see that maintenance reports are kept on each

commercial motor vehicle. Records must include:

1. An identification of the vehicle including company number, make, serial

number, year, and tire size. Also, if the carrier does not own the vehicle, the

records must show the name of the person providing the vehicle.

2. A systematic method to show the type and due date of the various inspections and

maintenance operations to be performed.

3. A record of inspection, repairs, and maintenance showing date and type.

4. A lubrication record.

B. Periodic Inspection

Every commercial motor vehicle must have an annual inspection (396.17).

1. The annual inspection requirement can be met through a periodic inspection

program of a state (provided D.O.T. accepts the state inspection methods), by a

motor carrier's self-inspection, by a roadside inspection, and by inspection

performed by a commercial garage or a similar commercial business.

2. Speedy Recovery Services must assure that the inspection of its

vehicles is comparable to the federal standards. Our inspectors must be qualified

by virtue of training and/or experience, as specified by D.O.T., to conduct

commercial vehicle inspections. Since our vehicles will be inspected by company

employees, we must have evidence of the inspector's qualifications on file.

3. The original of the inspection record must be kept on file for one year and a copy

of the inspection must be carried in the vehicle.

4. A lubrication record.

C. Driver's Vehicle Inspection Reports (DIVR)

This written report must be completed at the end of each day's work on each vehicle

operated. The report must be prepared, signed and dated by the driver. If two drivers

are on the vehicle, only one needs to sign the report. The following must be

accomplished:

1. The original DVIR is turned in with their paperwork at the days/shift end.

2. If defects that would affect safe operation are reported, the

person making the repairs must sign the original and the truck copy of the

inspection report.

3. A copy of the latest DVIR must be kept in the vehicle and the next driver must

sign the vehicle copy during their pre-trip inspection.

D. Parts & Accessories Required (Part 393)

Every motor carrier, its officers, agents, drivers, representatives, and employees

involved with the maintenance of equipment must understand and obey the rules of

Part 393. A motor carrier must assure that a vehicle is properly equipped prior to

operation. Any vehicle purchased must be equipped in accordance with these

requirements and the D.O.T. manufacturing standards for vehicles as prescribed in 49

CFR, Chapter V, National Highway Traffic Safety Administration.

Specific requirements for the following equipment are contained in the subparts of

393:

1. Lighting devices, reflectors, and electrical equipment.

2. Brakes (including equipment, performance, parking brake).

3. Glazing and window construction.

4. Fuel system.

5. Coupling devices and towing methods.

6. Miscellaneous parts and accessories.

7. Emergency equipment, i.e., fire extinguisher, reflective triangles, etc.

8. Protection against shifting or falling cargo.

VII. Other D.O.T. Requirements

A. D.O.T. Audits

1. One of the Fleet Safety objectives is to meet or exceed the compliance

requirements of D.O.T. Even if Speedy Recovery Services does

exceed the D.O.T. requirements, it is possible to have an audit for any of the

reasons below:

a. A carrier without a D.O.T. safety rating.

b. A written complaint (D.O.T. is required not only to

investigate the complaint, but they must report their findings to the

complainant).

c. A serious preventable type accident.

d. A less than satisfactory safety rating.

e. An excessive number of accidents.

B. Insurance (part 387)

This part prescribes the minimum levels of financial responsibility (insurance)

required to be maintained by motor carriers of property that operate motor vehicles in

interstate, foreign, or intrastate commerce.

1. Section 387.7(e) reads as follows: "The proof of minimum levels of financial

responsibility required by this section shall be considered public information and

be produced for review upon reasonable request by a member of the public".

**Appendix A**

***D.O.T. Definitions***

**1. Alcohol or Alcoholic Beverage:**

a. Beer as defined in 26 U.S.C. 5052 (a), of the Internal Revenue Code of 1954.

b. Wine of not less than one-half of one percent of alcohol by volume.

c. Distilled spirits as defined in section 5002 (a) (8), of such Code.

**2. Commercial Driver's License (CDL):**

A license issued by a State or other jurisdiction, in accordance with the standards

contained in 49 CFR Part 383, to an individual which authorizes the individual to operatea class of a commercial motor vehicle.

**3. Commercial Motor Vehicle:**

Any self-propelled or towed vehicle used on public highways in interstate commerce to

transport passengers or property when:

a. The vehicle has a gross vehicle weight rating or gross combination weight rating of

10,001 or more pounds.

b. The vehicle is designed to transport more than 15 passengers, including the driver.

c. The vehicle is used in the transportation of hazardous materials in a quantity requiring

placarding under regulations issued by the secretary under the Hazardous Materials

Transportation Act (49 U.S.C. App. 1801-1813).

**4. Conviction:**

An unvacated adjudication of guilt, or a determination that a person has violated the law

in a court of original jurisdiction or by an authorized administrative tribunal, an

unvacated forfeiture of bail deposited to secure the person's appearance in court, a plea ofguilt or nolo contendere accepted by the court, the payment of a fine or court cost, or

violation of a condition of release without bail, regardless of whether or not the penalty isrebated, suspended, or probated.

**5. Driver:**

Any person who operates any commercial motor vehicle.

**6. Employee:**

a. Any driver of a Speedy Recovery Services commercial motor vehicle

(including an independent contractor while in the course of operating a commercial

motor vehicle).

b. A mechanic.

c. A freight handler.

d. Any individual, who is employed by an employer and who in the course of his or her

employment directly affects commercial motor vehicle safety, but such term does not

include an employee of the United States, any agency established under a compact

between States and approved by the Congress of the United States who is acting

within the course of such employment.

**7. Employer:**

Any person engaged in a business affecting interstate commerce who owns or leases a

commercial motor vehicle in connection with that business, or assigns employees to

operate it, but such term does not include the United States, any State, political

subdivision of a State, or an agency established under a compact between States approvedby the Congress of the United States.

**8. Felony:**

An offense under State or Federal law that is punishable by death or imprisonment for a

term exceeding 1 year.

**9. Gross Combination Weight Rating (GCWR):**

The value specified by the manufacturer as the loaded weight of a combination

articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will

be determined by adding the GVWR of the power unit and the total weight of the towed

unit and any load thereon.

**10. Gross Vehicle Weight Rating (GVWR):**

The value specified by the manufacturer as the combined weight of the motor vehicle

plus its load.

**11. Hours of Service Terms:**

**a. On Duty Time:**

All time from the time a driver begins to work or is required to be in readiness to

work until the time he is relieved from work and all responsibility for performing

work. The term "on-duty" time shall include:

1. All time at a carrier or shipper plant, terminal, facility, or other property, or on

any public property, waiting to be dispatched, unless the driver has been relieved

from duty by the motor carrier.

2. All time inspecting equipment as required by FMCSR or otherwise inspecting,

servicing, or conditioning any motor vehicle at any time.

3. All driving time as defined in paragraph (b) of this section.

4. All time, other than driving time, in or upon any motor vehicle except time spent

resting in a sleeper berth as defined in paragraph (f) of this section.

5. All time loading or unloading a vehicle, supervising, or assisting in the loading or

unloading, attending a vehicle being loaded or unloaded, or in giving or receiving

receipts for shipments loaded or unloaded.

6. All time spent performing the driver requirements of FMCSR relating to

accidents.

7. All time repairing, obtaining assistance, or remaining in attendance upon a

disabled vehicle.

8. Performing any other work in the capacity of, or in the employ or service of, a

common, contract, or private motor carrier.

9. Performing any compensated work for any non-motor carrier entity.

**b. Driving Time:**

The term "drive" and "driving time" shall include all time spent at the driving controls

of a motor vehicle in operation.

**c. Seven Consecutive Days:**

The period of 7 consecutive days beginning on any day at the time designated by the

motor carrier for a 24-hour period.

**d. Eight Consecutive Days:**

The period of 8 consecutive days beginning on any day at the time designated by the

motor carrier for a 24-hour period.

**e. Twenty-Four (24) Hour Period:**

Any 24 consecutive hour period beginning at the time designated by the motor carrier

for the terminal from which the driver is normally dispatched.

**f. Sleeper Berth:**

A berth conforming to the requirements of FMCSR.

**g. Driver-Salesman:**

Any employee who is employed solely as such by a private carrier for property by

motor vehicle, which is engaged both in selling goods, services, or the use of the

goods, and in delivering by motor vehicle the goods sold or provided or upon which

the services are performed, who does so entirely within a radius of 100 miles of the

point at which he reports for duty, who devotes not more that 50 percent of his hours

on duty to driving time. The term "selling goods" for purposes of this subsection

shall include in all cases solicitation or obtaining of reorders or new accounts, any

may also include other selling or merchandising activities designed to retain the

customer or to increase the sale of goods or services in addition to solicitation or

obtaining of reorders or new accounts.

**h. Multiple Stops:**

All stops made in any one village, town, or city, may be computed as one. Note:

Driving time between the multiple stops in one city or village must be shown even

though all stops can be logged as one on the bottom line.

**12. Intermittent, Casual, or Occasional Driver:**

A driver who in any period of 7 consecutive days is employed or used as a driver by morethan a single motor carrier. The qualification of such a driver shall be determined andrecorded in accordance with the provisions of FMCSR.

**13. Interstate Commerce:**

Trade, traffic, or transportation in the United States which is between a place in a State

and a place outside of such State (including a place outside the United States) or is

between two places in a State through another State or a place outside of the United

States.

**14. Intrastate Commerce:**

Any trade, traffic, or transportation in any State which is not described in the term

"interstate commerce".

**15. Motor Carrier:**

A for-hire motor carrier or a private motor carrier of property. The term "motor carrier"

includes a motor carrier's agents, officers, and representatives as well as employees

responsible for hiring, supervising, training, assigning, or dispatching of drivers and

employees concerned with the installation, inspection, and maintenance of motor vehicleequipment and/or accessories. For purposes of Subchapter B, the definition of "motorcarrier" includes terms "employer" and "exempt motor carrier".

**16. Motor Vehicle:**

Any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by

mechanical power and used upon the highways in the transportation of passengers or

property, or any combination thereof determined by the Federal Highway Administration,buts does not include any vehicle, locomotive, or car operated exclusively on a rail orrails, or a trolley bus operated by electrical power derived from a fixed overhead wire,furnishing local passenger transportation similar to street-railway service.

**17. Person:**

Any individual, partnership, association, corporation, business trust, or any other

organized group of individuals.

**18. Principal Place of Business:**

A single location designated by the motor carrier, normally its headquarters, where

records required by the FMCSR will be maintained. Provisions may be made for

maintaining certain records at locations other than the principal place of business.

**19. Private Motor Carrier of Property:**

A person who transports, by motor vehicle, property of which that person is the owner,

lessee or bailee; such transportation being for the purpose of sale, lease, rent, bailment, orin the furtherance of any commercial enterprise other than transportation.

**20. Regional Director:**

The Regional Director, Office of Motor Carrier Safety, for a given geographical region of

the United States.

**21. Regularly Employed Driver:**

A driver who, in any period of 7 consecutive days, is employed or used as a driver solelyby a single motor carrier.

**22. Serious Traffic Violation:**

When operating a commercial motor vehicle, a conviction for:

a. Excessive speeding. Note: D.O.T. defines excessive speeding as 15 mph above the

posted speed limit.

b. Reckless driving, as defined under State or local law.

c. A violation of a State or local law relating to motor vehicle traffic control (other than

a parking violation) and arising in connection with a fatal accident. (Serious traffic

violations exclude vehicle weight and vehicle defect violations.)

**23. State:**

A State of the United States and the District of Columbia.

**24. State of Domicile:**

State where a person has his/her true, fixed, and permanent home.

**25. Temporary Drivers:**

Any drivers employed for less than 7 days.

**Appendix B**

***Commercial Driver's License Standards***

***(Part 383)***

The FMCSR has standards in Part 383 that establish the minimum testing and licensing

requirements for the National Commercial Driver License (CDL) programs of the states asrequired by the Commercial Motor Vehicle Safety Act of 1986 (CMVSA). Congress mandatedMS-DOT, FHWA to develop and implement the standards.

Applicability:Effective April 1, 1992 all commercial vehicle drivers subject to the requirements must belicensed in accordance with the standards.

Drivers Affected:Any Speedy Recovery Services employee driver, contract driver (over 90days/year), transportation maintenance employee, yard hostler, supervisor, or other employeewho may be required to drive a commercial motor vehicle as described below will berequired to maintain a CDL.

1. A single motor vehicle with a manufacturer's Gross Vehicle Weight Rating of 26,000 ormore.

2. A trailer with a GVWR of more than 10,000 pounds if the Gross Combination Weight

Rating is more than 26,000 pounds.

3. Any size vehicle which requires hazardous materials placards.

Vehicle Groups:

Group A - Combination: Any single unit vehicle combination with a GCWR of 26,001

pounds or more. Drivers qualifying under Group A will be authorized to operate vehicles inGroups B and C.

Group B - Heavy Straight: Any single unit vehicle with a GVWR of 26,000 pounds or

less, or any such vehicle towing a vehicle not in excess of 10,000 pounds. This group

also covers the licensing of persons transporting placarded hazardous materials in smallvehicles.

Endorsements:

In addition to the basic license a driver may obtain an endorsement that will allow

operation of:

1. Double/triple trailers.

2. Tank vehicles.

3. Hazardous materials vehicles.

4. Air brake equipped vehicle.

5. Combination vehicle.

Testing:

Drivers will have to take one or more knowledge tests, depending upon the class of licenseand the endorsements needed. If drivers pass the knowledge tests, they can then take theskills test. There are three types of CDL skills tests:

1. The pre-trip inspection test.

2. Basic control skills test.

3. The on-road test.

Drivers must take these tests in the type vehicle they will be licensed for. Most states willnot furnish the vehicle for testing.

Licensing Procedures:

To obtain an initial CDL the applicant must:

1. Certify that they are qualified under Part 391 of the FMCSR.

2. Obtain a CDL from the state of domicile (this is the state in which the driver files taxes

and claims residence).

3. Pass the knowledge and skills tests.

4. Certify that the road test vehicle is representative of the type to be driven.

5. Certify that they have lost driving privileges and do not have more than one license.

6. Apply for a new CDL within 30 days when moving to another state.

7. A driver may upgrade to a higher class of license in accordance with state requirements.