

**\*\*For PSC Insiders Circle Members only\*\***

# Friday Safety Brief®

\$3.97 USD

## ‘RED FLAG’ Violations

FMCSA currently lists 11 serious driver violations, or “red flag” violations, that could trigger enforcement actions against the driver. These are driver violations that are, by design, always investigated as part of a carrier investigation. The violations are outlined in the table below, along with the Behavior Analysis and Safety Improvement Category (BASIC) to which they correspond.

| BASIC                         | Part         | Violation  |
|-------------------------------|--------------|--|
| Fatigued Driving (HOS)        | 395.13(d)    | Violating Part 395 Out-of-Service (OOS) Order  |
| Controlled Substances/Alcohol | 392.4(a)     | Possessing, using or being under the influence of a controlled substance                   |
| Controlled Substances/Alcohol | 392.5(a)     | Possessing, being under the influence of, or using alcohol within 4 hours of going on duty |
| Driver Fitness                | 383.37(b)    | Allowing driver to operate with more than one Commercial Driver’s License (CDL)            |
| Driver Fitness                | 383.21       | Operating a commercial motor vehicle (CMV) with more than one CDL                          |
| Driver Fitness                | 383.23(a)    | Operating without a valid CDL  |
| Driver Fitness                | 383.51(a)    | Driving while disqualified   |
| Driver Fitness                | 391.11(b)(5) | Driving without a valid operator’s license   |
| Driver Fitness                | 391.15(a)    | Driving while disqualified   |
| Driver Fitness                | 391.45       | False entry on medical examiner’s certificate  |
| Vehicle Maintenance           | 396.9(c)     | Operating an OOS vehicle before making repairs   |

## CSA 2010

While some third party vendors are developing and marketing CSA 2010 driver scorecards, consumers should know that these companies do not have access to the driver violation histories in FMCSA databases despite some claims that they do. FMCSA has not and will not validate any vendors’ scorecards or data. Also, keep in mind that CSA 2010 is still a test and the SMS may change prior to its launch in response to the test results.

## FACTS

Potentially erroneous violations on carrier/driver records can be submitted for review. The DataQs program (<https://dataqs.fmcsa.dot.gov>), which does not change under CSA 2010, allows motor carriers and drivers to make a request for data review (RDR) of information that resides in FMCSA databases such as crash and inspection reports.

