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Friday Safety Brief®

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Fed. Register 7.2.10

Minimum Levels of Financial Responsibility for Motor Carriers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: The FMCSA amends its regulations concerning minimum levels of financial responsibility for motor carriers to allow Canada-domiciled motor carriers and freight forwarders to maintain, as acceptable evidence of financial responsibility, insurance policies issued by Canadian insurance companies legally authorized to issue such policies in the Canadian Province or Territory where the motor carrier or freight forwarder has its principal place of business. This final rule does not change the required minimum levels of financial liability coverage that all motor carriers and freight forwarders must maintain under the existing regulations. This final rule responds to a petition for rulemaking filed by the Government of Canada.

DATES: *Effective Date:* The effective date of the amendments made by this final rule is **August 2, 2010**.

More info: <http://edocket.access.gpo.gov/2010/2010-16009.htm>



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Carriers who are considering hiring drivers can review "Driver Profiles" if the drivers have authorized release of their information. These profiles are compiled from FMCSA's Driver Information Resource (DIR) and are available to carriers through FMCSA's Pre-employment Screening Program (PSP). Drivers can view their own profiles. PSP is only available as a pre-screening tool and not for use in evaluating current drivers. PSP was mandated by Congress and is not a part of CSA 2010.

Be Proactive - Implement a Cell Phone Policy

You would be hard pressed to find someone who has not driven next to or behind someone who is texting or talking on the phone while driving. Studies have shown that driver inattention is the leading factor in crashes and near crashes and that nearly 80 percent of crashes involved some form of driver inattention within 3 seconds before the incident. Be pro-active and implement a written cell phone and texting usage policy.

The following outlines all state-level cell phone and text messaging laws (July 2010). Some local jurisdictions may have additional regulations.

- ⊗ **Handheld Cell Phones:** 8 states (CA, CT, DE, MD, NJ, NY, OR and WA), Washington, D.C. and the Virgin Islands prohibit **all drivers** from using handheld cell phones while driving.
 - Except for Maryland, all laws are **primary enforcement**—an officer may cite a driver for using a handheld cell phone without any other traffic offense taking place.
- ⊗ **All Cell Phone Use:** No state bans all cell phone use (handheld and hands-free) for all drivers, but many prohibit all cell phone use by certain drivers:
 - **Novice Drivers:** 29 states and D.C. ban all cell phone use by novice drivers.
 - **School Bus Drivers:** Bus drivers in 18 states and D.C. may not use a cell phone when passengers are present.
- ⊗ **Text Messaging:** 30 states, D.C. and Guam ban text messaging for all drivers (*the latest, Delaware and Massachusetts*). 26 states, D.C., and Guam have primary enforcement. In the other four, texting bans are secondary.
 - **Novice Drivers:** An additional 8 states prohibit text messaging by novice drivers.
 - **School Bus Drivers:** 2 states restrict school bus drivers from texting while driving.
- ⊗ **Some states** such as Maine, N.H. and Utah treat cell phone use and texting as part of a larger distracted driving issue. In Utah, cell phone use is an offense *only* if a driver is also committing some other moving violation (other than speeding).

Crash Data Collection: Many states include a category for cell phone/electronic equipment distraction on police accident report forms. Recently proposed federal legislation would require states to collect this data in order to qualify for certain federal funding.

Source: Governors Highway Safety Association

