

PREPARING FOR A TRUCKING USDOT AUDIT

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USDOT audits have increased over the last ten years, primarily due to the introduction of a federal safety measurement system, which records data collected from roadside inspections of commercial vehicles. Each motor carrier is assigned Compliance, Safety and Accountability (CSA scores). Companies that frequently receive high scores due to large numbers of violations or certain serious violations can expect to be audited.

Not only can interstate motor carriers be audited by the USDOT but so can intrastate carriers via the Michigan Department of Transportation and the Michigan State Police.

Audits are triggered under the following circumstances:

1. New Entrant Audit.

A new entrant audit is a safety review to ensure that new carriers are complying with all safety regulations and usually occurs during the company's first 18 months in business, although it usually happens within the company's first six months after the USDOT has assigned a new entrant its USDOT number. The purpose of the entrant audit is to ensure that new carriers are complying with all safety regulations and registrations. Also, if a motor carrier has been involved only in intrastate commerce for many years and decides to expand its operations to interstate, that would subject your organization to a new entrant audit regardless of how many years the company has been in business.

2. Targeted Audit.

Your organization may be subjected to a targeted audit if your company's CSA score is too high. Two or more alerts will put your company on a DOT monitored list which usually guarantees an audit.

3. Compliance Review.

A compliance review is a prelude to the actual audit and a compliance review could be triggered under the following circumstances.

- a. **Crash Rate:** The USDOT acceptable crash rate is 1.5 crashes per million miles driven. If your company's drivers have a higher ratio than that threshold, the USDOT may initiate a compliance review.
- b. **Citizens Complaints:** Occasionally, citizens will complain to the USDOT about your drivers' behavior on the road in traffic; often times however, complaints will be made by disgruntled past employees.
- c. **Critical Crash:** If any of your drivers were involved in a crash that resulted in a fatality or if it was extremely high-profile, it will trigger a compliance review.

4. Random Selection.

The USDOT also conducts compliance reviews randomly, which happens frequently.

USDOT audits can result in only one of three ratings:

Satisfactory means your company has passed.

Conditional is a designation when there are no safety risks involved but the company could still be subject to fines and insurance rate increases.

Unsatisfactory can cause the entire company to being put out of service as well as causing expensive fines.

Usually, a DOT auditor will contact your company by phone a few weeks before arriving to your facility to conduct an actual in-person audit. In addition to that, the auditor will request certain information to be emailed to the auditor prior to his or her visit to your facility to conduct an audit. Usually, audits take at least two days to be conducted.

What is reviewed during a DOT audit?

1. General DOT information.

A carrier should be prepared to show documentation demonstrating that it has proper insurance liability coverage in place for the type of carrier it is and the type

of cargo it is transporting. The carrier must make sure it has in its possession an MCS-90 insurance certificate. (See Attachment 1 as an example).

The DOT auditor will also want to see your company's accident register (See Attachment 2, example of same) which must be maintained. Even if the carrier has had no DOT recordable accidents, it is still required to maintain an accident register for review. All accident entries that appear on the register must remain on the register for three years from the date of the accident.

The USDOT auditor may also inspect your vehicle markings to ensure your commercial vehicles are marked on at least two sides with your legal or trade name and the number assigned by the USDOT, clearly marked as a DOT number.

The Federal Motor Carrier Safety Regulations also require motor carriers to train not only their drivers, but also employees who may be involved in regulatory compliance, on the applicable regulations. It is suggested that carriers keep detailed records of any transportation safety-related training provided to these employees.

2. Driver Qualification Files

An auditor is going to want to see separate driver qualification files for your commercial vehicle drivers. The following information is required:

- Driver application with all required information listed pursuant to § 391.21 (See Attachment 3 as example).
- Previous three years of employment verification and, if applicable, a safety performance history and/or drug/alcohol test results.
- Motor vehicle record (MVR) check for previous three years;
- Road test and certification;
- Three years of DOT physical certifications;
- Entry-level driver training, if required;
- Annual written driver statement of violations;

- Any waivers granted;
- Copies of updated commercial driver licenses with appropriate endorsements;
- Signed receipt from driver regarding the company's drug and alcohol testing program verifying that the driver received a copy of the policy and is familiar with it;
- Pre-employment drug test documentation;
- Post-accident drug and alcohol test documentation;
- Random drug and alcohol testing documentation;
- Reasonable suspicion testing documentation;
- Medical certificate.

3. Operational Logs

Any business operating a CMV is subject to driving limitations and hours-of-service record-keeping pursuant to § 395 of the Federal Motor Carrier Safety Regulations. Mostly all interstate carriers utilize electronic logging devices (ELDS). For six months, a motor carrier must keep both the ELD record of duty status ("RODS") data, and backup copy of that data on a separate device. The carrier must ensure that these records are stored securely to protect driver privacy. To be more specific, there are four main requirements for ELD record-keeping that an auditor will review:

- A motor carrier must retain driver's records of duty status and supporting documents for six months.
- A backup copy of the ELD records must be maintained for six months on a device separate from where the original data is stored.
- The motor carrier must retain a driver's ELD records in a manner that protects driver privacy.

- The motor carrier must also retain any unidentified driving records for at least six months as a part of its hours-of-service records and make them available to authorized DOT auditors.

4. Vehicle Requirements

Any commercial motor vehicle in your company's possession for more than 30 consecutive days must be enrolled in a maintenance program that includes regular inspection and repairs. The auditor will expect to see all relevant records that prove this. Each vehicle that is part of your company's fleet requires a separate maintenance file. The file itself should clearly detail the following:

- Company unit number or license plate number;
- Model and year;
- Vehicle identification number or serial number;
- Tire size;
- Owner's name if not the company itself.

Maintenance records are required to be kept in a separate maintenance file for 12 months before the information can be purged. However, for annual inspections, these must be kept in the file for 14 months prior to being purged.

All annual/periodic inspections must be performed by certified inspectors.

The motor carrier should maintain records of roadside inspections for at least one year.

The auditor will also want to review any and all post-trip inspection reports completed by drivers at the end of each workday. A motor carrier must maintain these records for 90 days. This report must indicate the following:

- What vehicle was inspected;
- Date of inspection;

- What was inspected;
- Any deficiencies present on the vehicle;
- Signature of inspecting driver;
- Medical certificate of driver

For inspections during which a defect is noted, the signature of the mechanic who corrected the defect, the signature of the next driver to conduct a pre-trip inspection, and the individual who accepted the vehicle back into service must also be detailed in the report.

5. Tips for preparing for audit.

The key factor in a USDOT audit is preparation and the best way to prepare is to maintain all documentation consistently. It is always a good idea to put an auditor in his or her own separate, private room away from the general flow of business. You do not want to give an auditor access to your drivers or anyone else who works for you. You should also assign a point person to remain with the auditor and have all contact with the auditor on behalf of your company.

Remember, an auditor is looking for patterns and consistencies in violations.

The following is a list of violations that can lead to automatic failures during your USDOT audit:

- Using a driver who failed his or her medical exam;
- No proof or insufficient proof of an alcohol and drug testing program;
- Using a driver who refused a drug or alcohol test or didn't follow up with a failed test;
- Using a driver who does not have an active or proper CDL;
- Having inadequate hours-of-service documentation;
- Using a driver without the minimum level of insurance;

- Using a vehicle without a proper inspection.

6. What happens if you fail a USDOT audit?

If a USDOT auditor finds serious violations after an audit it will almost certainly result in fines. If the situation is serious, it may result in your business being designated as “out of service”. If your company receives an unsatisfactory rating, you can still submit a safety management plan and would have 45 days to do so. The Federal Motor Carrier Safety Administration can either accept your plan and allow you to continue business as a motor carrier or designate your company to remain out of service.

If you should have any questions about USDOT Safety Audits in the future, please feel free to contact me at the following:

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ATTACHMENT 1

Proof of Insurance

FORM MCS-90 Revised 01/05/2017

OMB No.: 2126-0008 Expiration: 01/31/2020

USDOT Number: _____ Date Received: _____

A Federal Agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0008. Public reporting for this collection of information is estimated to be approximately 2 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-RRA, Washington, D.C. 20590.



United States Department of Transportation
Federal Motor Carrier Safety Administration

Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980

FORM MCS-90

Issued to _____ of _____
(Motor Carrier name) (Motor Carrier state or province)

Dated at _____ on this _____ day of _____,

Amending Policy Number: _____ Effective Date: _____

Name of Insurance Company: _____

Countersigned by: _____
(authorized company representative)

The policy to which this endorsement is attached provides primary or excess insurance, as indicated for the limits shown (check only one):

- ☐ This insurance is primary and the company shall not be liable for amounts in excess of \$ _____ for each accident.
- ☐ This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the Federal Motor Carrier Safety Administration (FMCSA), the company agrees to furnish the FMCSA a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FMCSA, to verify that the policy is in force as of a particular date. The telephone number to call is: _____.

Cancellation of this endorsement may be effected by the company of the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the FMCSA's registration requirements under [49 U.S.C. 13901](#), by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date the notice is received by the FMCSA at its office in Washington, DC).

Filings must be transmitted online via the Internet at <http://www.fmcsa.dot.gov/urs>.

(continued on next page)

Proof of Insurance Continued

FORM MCS-90 Revised 01/05/2017

OMB No.: 2126-0008 Expiration: 01/31/2020

DEFINITIONS AS USED IN THIS ENDORSEMENT

Accident includes continuous or repeated exposure to conditions or which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

Motor Vehicle means a land vehicle, machine, truck, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway for transporting property, or any combination thereof.

Bodily Injury means injury to the body, sickness, or disease to any person, including death resulting from any of these.

Property Damage means damage to or loss of use of tangible property.

Environmental Restoration means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish and wildlife.

Public Liability means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Motor Carrier Safety Administration (FMCSA).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon,

or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of anyone accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

(continued on next page)

Proof of Insurance Continued

FORM MCS-90 Revised 01/05/2017

OMB No.: 2126-0008 Expiration: 01/31/2020

SCHEDULE OF LIMITS — PUBLIC LIABILITY

Type of carriage	Commodity transported	January 1, 1985
(1) For-hire (in interstate or foreign commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Property (nonhazardous)	\$750,000
(2) For-hire and Private (in interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Hazardous substances, as defined in 49 CFR 171.8 , transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2, and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403 .	\$5,000,000
(3) For-hire and Private (in interstate or foreign commerce, in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,000 or more pounds).	Oil listed in 49 CFR 172.101 ; hazardous waste, hazardous materials, and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101 , but not mentioned in (2) above or (4) below.	\$1,000,000
(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,000 pounds).	Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403 .	\$5,000,000

*The schedule of limits shown does not provide coverage. The limits shown in the schedule are for information purposes only.

ATTACHMENT 2

Accident Register Example

[illegible]

ATTACHMENT 3

This is an example driver employment application. Carriers do not need to use this exact form, but must have a completed and signed employment application for all drivers that contains the information listed in [49 CFR 391.21](#).

DRIVER EMPLOYMENT APPLICATION

[COMPANY NAME, ADDRESS, PHONE NUMBER, AND EMAIL]
An Equal Opportunity Employer

COMPLETE IN FULL OR IT WILL NOT BE CONSIDERED.

APPLICANT INFORMATION					
FIRST NAME		MIDDLE NAME		LAST NAME	
PHONE		EMAIL			
DATE OF BIRTH		SOCIAL SECURITY #			
DATE OF APPLICATION		POSITION APPLIED FOR		DATE AVAILABLE FOR WORK	

Do you have legal right to work in the United States? ☐ YES ☐ NO

PREVIOUS THREE YEARS RESIDENCY					
<i>Attach additional sheet if more space is needed</i>					
	STREET	CITY	STATE	ZIP CODE	# OF YEARS AT ADDRESS
CURRENT					
MAILING					
PREVIOUS					
PREVIOUS					
PREVIOUS					

LICENSE INFORMATION				
No person who operates a commercial motor vehicle shall at any time have more than one driver's license (49 CFR 383.21). I certify that I do not have more than one motor vehicle license, the information for which is listed below. Include all licenses held for the past 3 years; attach additional sheets if needed.				
STATE	LICENSE #	TYPE/CLASS	ENDORSEMENTS	EXPIRATION DATE
PREVIOUSLY HELD LICENSES				

DRIVING EXPERIENCE				
CLASS OF EQUIPMENT	TYPE OF EQUIPMENT (VAN, TANK, FLAT, ETC.)	DATE FROM	DATE TO	APPROX # OF MILES (TOTAL)
STRAIGHT TRUCK				
TRACTOR & SEMI-TRAILER				
TRACTOR & 2 TRAILERS				
TRACTOR & TANKER				
OTHER				

ACCIDENT RECORD FOR THE PAST 3 YEARS

Attach additional sheet if more space is needed. Check this box if none ☐

DATES (List most recent first)	NATURE OF ACCIDENT (Head-on, rear-end, upset, etc.)	# FATALITIES	# INJURIES	CHEMICAL SPILLS (Y/N)

TRAFFIC CONVICTIONS AND FORFEITURES FOR THE PAST 3 YEARS (OTHER THAN PARKING VIOLATIONS)

Attach additional sheet if more space is needed. Check this box if none ☐

DATE CONVICTED (Month/Year)	VIOLATION	STATE OF VIOLATION	PENALTY (Forfeited bond, collateral and/or points)

Have you ever been denied a license, permit, or privilege to operate a motor vehicle? ☐ YES ☐ NO

If yes, explain

Has any license, permit, or privilege ever been suspended or revoked? ☐ YES ☐ NO

If yes, explain

EMPLOYMENT HISTORY

The Federal Motor Carrier Safety Regulations (49 CFR 391.21) require that all applicants wishing to drive a commercial vehicle list all employment for the last three (3) years. ***In addition, if you have driven a commercial vehicle previously, you must provide employment history for an additional seven (7) years (for a total of ten (10) years). Any gaps in employment in excess of one (1) month must be explained.***

Start with the last or current position, including any military experience, and work backwards (attach separate sheets if necessary). You are required to list the complete mailing address, including street number, city, state, zip; and complete all other information.

CURRENT (MOST RECENT) EMPLOYER					
NAME			PHONE		
ADDRESS					
POSITION HELD		FROM MO/YR		TO MO/YR	
REASON FOR LEAVING				SALARY	
EXPLAIN ANY GAPS IN EMPLOYMENT (Include month/year & reason)					

While employed here, were you subject to the Federal Motor Carrier Safety Regulations? ☐ YES ☐ NO

Was the job designated as a safety-sensitive function in any Department of Transportation-regulated mode subject to alcohol and controlled substances testing as required by 49 CFR, part 40? ☐ YES ☐ NO

SECOND (MOST RECENT) EMPLOYER

NAME					PHONE				
ADDRESS									
POSITION HELD				FROM MO/YR			TO MO/YR		
REASON FOR LEAVING							SALARY		
EXPLAIN ANY GAPS IN EMPLOYMENT (Include month/year & reason)									

While employed here, were you subject to the Federal Motor Carrier Safety Regulations? ☐ YES ☐ NO

Was the job designated as a safety-sensitive function in any Department of Transportation-regulated mode subject to alcohol and controlled substances testing as required by 49 CFR, part 40? ☐ YES ☐ NO

THIRD (MOST RECENT) EMPLOYER

NAME					PHONE				
ADDRESS									
POSITION HELD				FROM MO/YR			TO MO/YR		
REASON FOR LEAVING							SALARY		
EXPLAIN ANY GAPS IN EMPLOYMENT (Include month/year & reason)									

While employed here, were you subject to the Federal Motor Carrier Safety Regulations? ☐ YES ☐ NO

Was the job designated as a safety-sensitive function in any Department of Transportation-regulated mode subject to alcohol and controlled substances testing as required by 49 CFR, part 40? ☐ YES ☐ NO

EDUCATION

SCHOOL	NAME & LOCATION	COURSE OF STUDY	YEARS COMPLETED	GRADUATE Y N		DETAILS
High School				<input type="checkbox"/>	<input type="checkbox"/>	
College				<input type="checkbox"/>	<input type="checkbox"/>	
Other				<input type="checkbox"/>	<input type="checkbox"/>	

OTHER QUALIFICATIONS

Please list any other qualifications that you have and which you believe should be considered.

TO BE READ AND SIGNED BY APPLICANT

I authorize you to make investigations (including contacting current and prior employers) into my personal, employment, financial, medical history, and other related matters as may be necessary in arriving at an employment decision. I hereby release employers, schools, health care providers, and other persons from all liability in responding to inquiries and releasing information in connection with my application.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I also understand that I am required to abide by all rules and regulations of the Company.

I understand that the information I provide regarding my current and/or prior employers may be used, and those employer(s) will be contacted for the purpose of investigating my safety performance history as required by 49 CFR 391.23. I understand that I have the right to:

- Review information provided by current/previous employers;
- Have errors in the information corrected by previous employers, and for those previous employers to resend the corrected information to the prospective employer; and
- Have a rebuttal statement attached to the alleged erroneous information, if the previous employer(s) and I cannot agree on the accuracy of the information.

This certifies that I completed this application, and that all entries on it and information in it are true and complete to the best of my knowledge. Note: A motor carrier may require an applicant to provide more information than that required by the Federal Motor Carrier Safety Regulations.

Applicant Signature		Date	
Applicant Name (printed)			