



## Passenger Carrier's Guide for Administrative Safety Compliance

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Updated March 01, 2021  
NYSDOT Motor Carrier Compliance Bureau

This guidebook is intended to assist motor carriers of passengers in New York State. Operators in the Empire State vary greatly in size and scope from new entrants with a small number of ambulettes or limousines to large fleets of school buses or motor coaches. This guidance is not intended as a substitution for the New York State Transportation Law or Department regulations/policies, but as an education and technical assistance tool.

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## Section 1.1: Passenger Carrier Authority

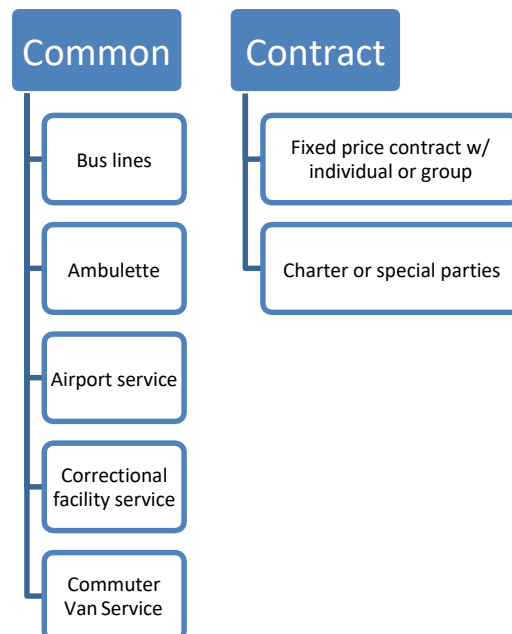
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### General Information and Types of Authority:

The Transportation Law requires a motor carrier to obtain *Passenger Operating Authority* from the New York State Department of Transportation (NYSDOT) before it can transport passengers wholly within New York State for compensation, also known as for-hire transportation. Applications for authority can be obtained by going to <https://www.dot.ny.gov/divisions/operating/oss/bus/passenger>, sending an email to [operating.authority@dot.ny.gov](mailto:operating.authority@dot.ny.gov), or calling 518-457-6512.

There are two types of passenger operating authority:

1. **Common Carrier Authority** which is issued to carriers that serve the general public and charge individual fares. Some examples are:
  - Bus Lines;
  - Ambulette or Transit Disabled Services;
  - Airport Services;
  - Service to a Correctional Facility;
  - Commuter Van Services
2. **Contract Carrier Authority** for which there are two sub-categories. The first is issued to carriers that have an agreement or contract with a person or organization that allows for the transportation of an individual or group at a fixed price (for example, a contract with a health care facility to transport clients at a fixed rate). The second is issued to carriers of Charter or Special Parties to transport individuals or organizations traveling together as a group for a fixed charge and under a single contract.



## **Section 1.2: Exemptions from Authority**

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### **Exemptions:**

There are some exemptions which allow certain types of for-hire transportation without authority from the Department. Transportation provided in sedans, station wagons, limousines or mini vans which generally have a Manufacturer's Rated Seating Capacity (MRSC) of less than 11 passengers including the driver does not need authority. The MRSC is listed on a tag which is generally located on the jam of the driver's door and is the maximum seating capacity of the vehicle which may be different from the number of seats actually in a vehicle. In addition, transportation provided in vehicles larger than sedans, station wagons, limousines or minivans does not need authority when such transportation is performed:

1. Incidental to or in furtherance of any non-transportation commercial or not-for-profit enterprise of the provider of the transportation when such transportation is not open to the general public;
2. To and from schools and school-related activities;
3. In non-profit carpools;
4. On an occasional, casual or reciprocal basis by persons not engaged in transportation as a regular occupation or business;
5. As a sightseeing service conducted pursuant to the jurisdiction or regulatory control of a city, village or town when such service is operated wholly within the county in which the city, town or village is located or when such service is operated wholly within a city with a population of one million or more;
6. In ambulances that are under the jurisdiction of the New York State Department of Health;
7. By transportation authorities when the transportation performed is wholly within the transportation district prescribed by the public authorities law for such transportation authority;
8. By transportation systems that are wholly owned by a municipality when the transportation performed is wholly within such municipality's boundaries;
9. By bus lines operating wholly within any city having regulatory control or jurisdiction over bus line operations pursuant to subdivision four of section eighty of this chapter;
10. By carriers operating under a contract with an employer to provide transportation for the exclusive use of employees;
11. As a taxi or livery service, except for transportation services that are designed for the transportation of transportation-disabled persons, conducted in vehicles having a seating capacity of less than fifteen passengers pursuant to the jurisdiction or regulatory control of a municipality, other than a city with a population over one million, authorized to adopt an ordinance relating to both registration and licensing pursuant to subdivision one of section one hundred eighty-one of the general municipal law, when service is conducted wholly within such municipality and when such service is available to the general public on a prearranged or demand-response basis over a non-specified or irregular route with the point or points of pick-up and discharge determined by the passenger, but such taxi or livery service shall not include van service. For the purpose of this subdivision, the term "livery service" shall include the term "limousines" as used in subdivision one of section one hundred eighty-one of the general municipal law;
12. As a taxi or livery service conducted in vehicles having a seating capacity of twenty passengers or less pursuant to the jurisdiction or regulatory control of a city with a population over one million, when such service is conducted wholly within such a city; provided, however, that vehicles having a seating capacity of fifteen or more passengers shall be subject to the provisions of section one hundred forty of this chapter.

For the purposes of this article, the term "sedan" or "sedans" as used herein shall include private passenger automobiles but shall not include commercial motor vehicles with a seating capacity of eleven persons or more including the driver.

## **Section 1.3: Applying for Operating Authority**

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### **Application Process:**

An applicant should answer each question completely and submit all required documents to ensure the fastest processing of their application. When an application is received, it is reviewed and, if it is complete, it is published in the Department's Weekly Bulletin of Applications. Interested parties have 30 days to file a written protest to an application with the Department and must send a copy of the protest to the applicant. A party may protest an application because the application does not meet the statutory requirements. For Charter and Special Party authority, a protest is limited to safety issues.

In determining the merits of a passenger application, NYSDOT will generally review the application and make a decision on the information that has been submitted, including any protests. In unusual or complex cases or when significant protests have been filed, NYSDOT may hold a hearing.



After a determination on the application has been made, the applicant will be notified in writing of the approval or denial. If approved, a compliance requirement letter will be included. If denied, the carrier may file an appeal consistent with the Department's regulations.

## **Section 1.4: Approved Applications & Emergency and Temporary Authority**

**If the application is approved**, NYSDOT will send a letter advising the applicant that it needs to comply with the following statutory and regulatory requirements:

- Evidence of Liability Insurance coverage;
- Proof of compliance with the New York State Workers' Compensation Law for both Workers' Compensation and Disability Benefits Insurance;
- Valid Vehicle Safety Inspection have been issued by NYSDOT;
- USDOT Registration Number
- Pre-authorization Compliance Review
- Acquisition of vehicle identification receipts or payment of a Unified Carrier Registration fee, and
- Filing a tariff by Common Carriers only.

NYSDOT will issue either a Certificate or Permit once an applicant complies with these requirements. If an application is denied, the applicant has a right to ask NYSDOT to reconsider the decision. The request must be in writing and received by NYSDOT within 30 days of the decision date.

### **Emergency Temporary Authority and Temporary Authority:**

There may be times when there is an immediate or urgent need for emergency temporary operating authority or temporary authority.

### **Emergency Temporary Authority:**

In order for Emergency Temporary Authority to be issued, the applicant must demonstrate that there is an “unforeseen emergency need” which demonstrates “that there is an immediate or urgent need” for the service that is being requested and that there is not sufficient time to process an application for temporary authority. NYSDOT may issue such authority for up to a 30- day period if the applicant presents convincing evidence that there is a true emergency situation. The applicant must also be in compliance with NYSDOT's safety and liability insurance requirements.

### **Temporary Authority:**

There are two common situations for which NYSDOT can issue temporary authority for up to 180 days when an applicant demonstrates that there is an immediate or urgent need;

1. For a short term or temporary operation that will not become permanent, i.e., to serve an amusement park during only the summer, or
2. When a common carrier wants to test a market in which there is no other carrier service available for a short period (i.e., up to six months) before determining if it wants to provide service on a permanent basis.

It should be noted that neither the Emergency Temporary Authority nor the Temporary Authority procedures have been established to bypass the normal application process. Both types of authority will only be issued within the above guidelines and when NYSDOT is convinced that an immediate need or emergency exists.



## Section 1.5: Insurance Requirements

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### **Passenger Insurance Requirements:**

In order to hold operating authority, the Department requires all motor carriers to maintain proof of liability and property damage insurance.

**NOTE:** Insurance filings must be made with an insurance company authorized to do business in New York State by the New York State Department of Financial Services ([www.dfs.ny.gov](http://www.dfs.ny.gov)). The New York State Department of Transportation does not accept ACORD forms as evidence of insurance.

#### **➔ What is the minimum limit for liability and property damage insurance, and what must you tell the insurance company you need?**

**Answer:** If you are carrying 8 or more passengers, a minimum of \$1,500,000 combined single limit insurance is required.

#### **➔ What form do you need to have the insurance company mail to the New York State Department of Transportation in order to comply with the liability insurance requirement?**

**Answer:** Form E (The official name of the form is "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance").

This form must be endorsed and sent to the Department by your insurance company. It is not a form that you or your insurance agent can send to the Department. Any other type of form, binder, Certificate, etc. will not be accepted. The Form E must be filed in the exact name in which you have applied for your operating authority. A Form E that has an incorrect name or is written by an insurance company that is not licensed to do business in New York State, will be rejected and returned to your insurance company.

### **Workers' Compensation & Disability Benefits Insurance Requirements:**

Section 57 and Section 220(8) of the Workers' Compensation Law requires that before the Commissioner issues authority, the applicant must submit proof that it has complied with Workers' Compensation and Disability Benefits Insurance.

**NOTE: The Department does not accept ACORD forms as evidence of insurance, and NYSDOT must be shown as the certificate holder.**

## Section 1.5: Insurance Requirements

To comply you must submit one of the following proofs:

<u>Method of Insurance:</u>	<u>Workers Compensation Insurance Form:</u>	<u>Disability Benefits Insurance Form:</u>
Private Insurer	C-105.2	DB-120.1
State Insurance Fund	U-26.3	DB-120.1
Self-Insured	SI-12	DB-155
Member of Group Self-Insurance	GSI-105.2	Not Applicable
Exemption	CE-200	CE-200

**NOTE: All insurance filings must come from an insurance company authorized by the New York State Department of Finance to write such coverage in the State of New York.**

Please obtain the above forms from your insurance carrier, licensed insurance agent or self-insurance administrator.

Form CE-200 may be found on the Board's website at [www.wcb.ny.gov](http://www.wcb.ny.gov). Click on "WC/DB Exemption".

**Worker's Compensation & Disability Benefits exemption is valid for one (1) year from the date of issuance.**

Once you've completed the form, you must print the certificate, sign and date it, and then submit to NYSDOT at the following address:

State of New York Department of Transportation 50  
Wolf Road – POD 53  
Albany, NY 12232-0879

If you have questions regarding workers' compensation or disability benefits, call 1-888-875-5790. Workers' Compensation Board offices are located at:

**Albany**

100 Broadway  
Menands, NY 12241  
518-486-3349

**Brooklyn**

111 Livingston Street  
Brooklyn, NY 11201  
718-802-6870

**Manhattan**

215 W. 125<sup>th</sup> Street  
New York, NY 10027  
212-932-7576

**Rochester**

130 Main Street West  
Rochester, NY 14614  
585-238-8335

**Binghamton**

44 Hawley Street  
Binghamton, NY 13901  
607-721-8334

**Hauppauge**

220 Rambo Drive  
Hauppauge, NY 11788  
631-952-6698

**Peekskill**

41 N. Division Street  
Peekskill, NY 10566  
914-788-5804

**Syracuse**

935 James Street  
Syracuse, NY 13203  
315-423-1141

**Buffalo**

107 Delaware Avenue  
Buffalo, NY 14202  
716-842-2056

**Hempstead**

175 Fulton Avenue  
Hempstead, NY 11550  
516-560-7742

**Queens**

168-46 91<sup>st</sup> Avenue  
Queens, NY 11432  
718-523-8409



# Section 1 Appendix A: Vehicle Identification Application

MC 121(18)

Registration Year 2020

**APPLICATION FOR VEHICLE IDENTIFICATION FOR  
MOTOR CARRIERS, WHO OPERATE SOLELY IN NEW YORK STATE**

**\*\*IF YOU CROSS STATE LINES AT ANY TIME FOR BUSINESS PURPOSES OR HAVE AN MC NUMBER, PLEASE CALL US AT (518) 457-6512 SO THAT WE MAY REGISTER YOUR BUSINESS IN THE APPROPRIATE REGISTRATION PROGRAM.**

**IF YOU OPERATE SOLELY WITHIN NEW YORK STATE PLEASE COMPLETE THIS FORM AND RETURN IT WITH YOUR PAYMENT (CHECK OR MONEY ORDER MADE PAYABLE TO NYS DOT) TO THE ADDRESS BELOW BY DECEMBER 31, 2019.**

USDOT # \_\_\_\_\_ \*\*MC# \_\_\_\_\_ (SEE ABOVE STATEMENT)

NYS DOT # \_\_\_\_\_

Carrier Name \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**Mailing address if different from above:**

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

I am applying for vehicle identification receipt(s) for vehicle(s) we intend to operate within New York State.

The applicant is only operating under New York State intrastate authority and requests receipt(s) for:

Number of vehicles \_\_\_\_\_ X \$10.00 each = \$ \_\_\_\_\_

The applicant shall not knowingly permit any other person or organization to possess identification receipts issued pursuant to this application.

I, the undersigned, under penalty for false statement do hereby certify that the above information is true and correct and that I am authorized to execute and file this document as, or on behalf of, the above applicant. (Federal penalties, maximum of \$10,000 or imprisonment for 5 years, or both, 18 USC 1001; State penalties, maximum \$5,000 or suspension/revocation of operating authority, or both, 17 NYCRR 145).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

Complete and mail this application along with your payment to:

New York State Department of Transportation  
OMSS/Vehicle Identification Unit  
50 Wolf Road - POD 5-3  
Albany, NY 12232



## Section 1 Appendix B: Unified Carrier Registration Application

<b>SECTION 4. CERTIFICATION</b>	
Name of Owner or Authorized Representative (Printed)	Date
Signature	Title

<b>UNIFIED CARRIER REGISTRATION FORM UCR-1 Continued</b>	
USDOT Number	Carrier Name

Continued



## **Section 2.1: Passenger Carrier Safety Bureau Overview**

### **The Passenger Carrier Safety Bureau**

The Passenger Carrier Safety Bureau is committed to ensuring all school buses and authorized passenger vehicles in New York State operate at the highest safety standards in the country. Our bus inspectors perform more than 154,000 comprehensive bus safety inspections and re-inspections annually. To accomplish this, the Bureau uses over 120 motor vehicle inspectors assigned to one of 11 regional safety inspection teams across the state. A total of nearly 60,000 buses, vans and ambulettes are subject to the NYSDOT safety inspection review every six months and over 400 safety related factors are reviewed during each inspection.

Vehicle inspection, repair, and maintenance standards are critical to the safe operation of commercial motor vehicles. They are designed to reduce accidents, injuries, and fatalities resulting from unsafe vehicles operating on the highways.

All vehicles subject to inspection by the New York State Department of Transportation are required to be inspected at least every six months. The operator is responsible for providing an adequate inspection facility as the NYSDOT does not operate facilities for the inspection of vehicles.



NYSDOT performs semi-annual vehicle safety inspections on a wide variety of vehicles that are subject to inspections by the NYSDOT. Of approximately 154,000 inspections conducted each year, almost 80% are performed on vehicles used in school transportation service, either directly by a public or private school or by a contractor hired to provide that service. The remaining inspections are performed on vehicles used in other services regulated by NYSDOT: motor coach charter service, transit, ambulette (transit disabled) and "for hire" passenger service.

#### **Bureau website:**

[www.dot.ny.gov/divisions/operating/osss/bus](http://www.dot.ny.gov/divisions/operating/osss/bus)

#### **Bureau contact information:**

Passenger Carrier Safety Bureau

50 Wolf Road, POD 53

Albany, NY 12232

Phone: (518) 457-6512

Fax: (518) 457-6513

E-mail: [passengersafety@dot.ny.gov](mailto:passengersafety@dot.ny.gov)

## Section 2.2: The NYSDOT Bus Inspection Applicability

Vehicles subject to NYSDOT inspection include the following:

1. Vehicles transporting passengers under the age of 21 years, to and from schools, for hire, or owned and/or operated by school districts or any public or private school. Also included are vehicles used to transport passengers under the age of 21 years between school programs and NYSED applicable community residences.



2. Vehicles operated in New York State, pursuant to or requiring a certificate or permit for the transportation of passengers, the U.S. Department of Transportation (USDOT) or the Commissioner of NYSDOT.



**Department of  
Transportation**

3. All buses operated pursuant to or requiring regulatory authority from any city that has adopted an ordinance, local law or charter to regulate a franchise bus line operation pursuant to the New York State Transportation Law.



4. Double-decker sightseeing buses regulated by the New York City Office of Consumer Affairs.



5. As of February 03, 2021, any for hire altered motor vehicle commonly known as a stretched limousine, which seats 9 or more passengers including the driver, is subject to NYSDOT semi-annual inspection requirements per Section 140 of the NYS Transportation Law. These vehicles are longer be permitted to obtain NYSDMV inspections.





## **Section 2.3: Key Definitions & Inspection Procedures**

### **Key Definitions:**

School - every place of academic, vocational or religious services or instruction of persons under the age of 21 years, except places of higher education. It shall include every childcare center, every institution for the care or training of the mentally or physically handicapped (certain exceptions apply) and everyday camp.

School Service - the transportation of persons under the age of 21 years to and/or from school or school activities, with or without adult supervisory personnel, either:

1. In vehicles owned and/or operated by school districts or any public or private school or school district; or
2. By others for hire except for parents who enter into a contract with a school to provide transportation exclusively for their own children.

Operator - the person, firm or corporation who has control or directs the operation of the motor vehicle, leases or otherwise.

### **Inspection Procedures and Criteria:**

NYSDOT Motor Vehicle Inspectors (MVIs) contact the vehicle operator in advance of the inspection certificate expiration, to arrange for a date for the next inspection of the vehicle. Usually, the MVI will go to the operator's facility and conduct the inspection of the vehicles that were previously scheduled for inspection with the operator. Normally an inspection will take approximately 60-90 minutes to complete, depending on the size/type of vehicle. Initial inspections of new vehicles take somewhat longer. In addition to the actual vehicle inspection, required maintenance records, preventive maintenance program and driver reports are checked.

Inspections are conducted based on the requirements contained in Sections 720 & 721 of the NYS Transportation Regulations. Contained in these regulations are the passenger vehicle Out of Service (OOS) Criteria. Discovered defects that meet the OOS criteria will result in the following actions depending on the class of defect discovered:

- "A" rated defect - vehicle is placed Out of Service, no inspection certificate is issued until the defect(s) is repaired and a re-inspection is conducted;
- "B" rated defect - vehicle is issued an inspection certificate but defect must be corrected prior to carrying passengers;
- "C" rated defect - vehicle is issued an inspection certificate but defect must be corrected within 15 days from the date of the original inspection.

Copies of the regulations and OOS criteria may be obtained by contacting the Motor Carrier Safety Bureau at (518) 457-6512 or by visiting the Passenger Carrier Safety Bureau website listed in Section 2.1 of this guidebook.

## **Section 2.4: Failing an Inspection & Operator Profiles**

### **Out of Service:**

Vehicles placed out of service as a result of the discovery of a serious ("A" rated) safety defect, are not issued an inspection certificate and may not carry passengers. An out-of-service decal is affixed to the vehicle which permits the vehicle to be operated on the highway for the purpose of getting repairs, for a period of 15 days.

If the out-of-service defect can be repaired and the MVI has available time before leaving the operator's inspection facility, the OOS vehicle can be re-inspected the same day. If the OOS defect(s) is properly repaired, a valid inspection certificate is issued. If repairs are not completed before the MVI leaves the facility, the operator must arrange with the MVI for a date for re-inspection of the vehicle.

Vehicles that have accumulated in excess of 100 miles or 15 days or more have passed since the vehicle was placed out of service will require a complete inspection of the vehicle rather than just a re-inspection of the OOS items discovered at the original inspection.

### **Out-of-Service Appeal Instructions and Appeal Form:**

The Department allows an operator to appeal an out of service designation on a vehicle which it feels is incorrect. The details of this process can be found in the section 2 appendix of this guidebook. Inquiries can be addressed by sending an e-mail or calling the Passenger Carrier Safety Bureau (please refer to contact information in section 2.1 of this guidebook).

### **Bus Safety Information Network (BUSNET):**

All inspections conducted are recorded on an inspection form, a copy of which is provided to the operator at the conclusion of the inspection/re-inspection. The information from each inspection is also entered into the NYSDOT's BUSNET computer system.

The BUSNET system has the capability of generating an Operator Profile Report. This report is a summary of an operator's inspection record with the NYSDOT over a specified period and includes information such as:

- Number of inspections
- Number of inspections passed and percentage
- Number of inspections Out of Service (OOS) and percentage
- Average defects per inspection
- Average OOS defects per inspection
- Operator Profile Reports are considered public information and are therefore available by request.

To obtain an operator profile, a written request may be mailed or faxed to the Truck and Bus Safety Section at (518) 457-6513. The request must contain the name and address of the operator for which the profile is being requested, as well as the profile period (from/to) for which data is being requested.

## **Section 2.5: Performance Based Inspection (PBI) Program**

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### **Performance Based Bus Safety Program Plan**

NYSDOT performs comprehensive safety inspections of motor coaches, school buses, ambulettes and large passenger vans/limousines domiciled in New York every six months. This semi-annual inspection requirement exceeds the annual Federal inspection requirement. Over 150,000 safety inspections are performed each year through this program. Additionally, New York requires a brake performance test as a component of this program which is not a federal requirement. This test measures the rate of deceleration of the bus in a real-world environment, i.e., measuring stopping capability while on the road.

Most of these scheduled semi-annual inspections are performed on operators who have relatively low out-of-service (OOS) rates, i.e., few vehicles that fail inspection. Further, these high performers (those with OOS rates at or below the Department's minimum goal of 10%) receive the same level of attention as the poor performers whose vehicles are consistently presented for inspection without addressing serious safety component defects.

- **81%** of current inspections are performed on operators whose vehicles meet state requirements **at least 90% of the time.**
- **17%** of current inspections are performed on operators whose vehicles meet state requirements **more than 75% of the time but less than 90%.**
- **2%** of current inspections are performed on operators whose vehicles meet state requirements **75% of the time or less.**

Recent legislation enacted by the Legislature and the Governor allows the Department to improve this program and thereby enhance bus safety and compliance by focusing attention where it is most needed and by incentivizing good performance by operators.

**Program Elements** –The approach modifies the traditional semi-annual inspection process by separating the operators into three categories based on their annual compliance with state safety requirements. Compliance review efforts and associated intervention/enforcement actions would be commensurate with the operators' performance with more attention focused on those operators with higher vehicle OOS rates or other operational deficiencies identified through compliance reviews, random inspections or roadside inspections (where applicable). The program is further described below.

**Number of Scheduled Inspections** – As required by State law, all operators will continue to receive at least two inspections annually (which exceeds Federal requirements) and will continue to be subject to our “on-the-road” performance brake test (also not a Federal requirement)

**Performance Categories** – Operators are placed into one of three performance categories based on their annual compliance with State safety requirements. The semi-annual out-of-service (OOS) rate (based on a minimum of 10 regularly scheduled inspections in the state fiscal year (SFY)) is the initial factor used to determine which operators are placed in which categories, but this can be modified based on other performance factors.

## **Section 2.6: Performance Categories**

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The Safety Performance categories are:

- **Preferred** - Operators with an OOS rate of  $\leq 10\%$
- **Acceptable** - Operators with an OOS rate  $>10\%$  and  $<25\%$ .
- **Unacceptable** - Operators with an OOS rate of 25% or greater.

Operators in the Unacceptable and Acceptable categories will continue to undergo a minimum of two full comprehensive inspections every twelve months.

Additionally, based on their performance relative to other factors such as poor performance resulting from compliance reviews, random inspections or roadside inspections, operators may be moved into a lower category.

**Critical Item Inspections** – The operators that fall within the Preferred category will alternate between a critical item inspection and one full comprehensive inspection every six months. These critical item inspections will focus on those vehicle components of greatest concern and will vary between walk-around and undercarriage-only inspections. Both will be conducted in accordance with the Department’s existing inspection standards, and both will include the current performance “on-road” brake test. Operators will not know in advance which type of critical item inspection will be performed by the inspector.

Walk-around inspections will focus primarily on only those items that can be inspected without physically getting under the vehicle. At a minimum, this bus inspection will include but not be limited to examination of all or portions of the following: brake systems (including brake performance test); exhaust systems; fuel systems; lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps); steering mechanisms; suspensions; tires; wheels, rims and hubs; mirrors; windshield wipers; frames; wheelchair lift devices (when applicable); emergency exits and/or electrical cables and systems in engine and battery compartments. This is similar to a federal Level 2 inspection.

Undercarriage-only Inspections will focus primarily on those components best accessed from underneath the vehicle like the brake systems (including brake performance test); exhaust systems; fuel systems; steering mechanisms; suspensions; tires; wheels, rims and hubs; and frames. It will also include an inspection of lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps); and wheelchair lift devices (when applicable).

**Inspection Schedules**- Operators in the Preferred category will continue to present the same number of vehicles on the same schedule they do now for at least the first 12 months of implementation. Roughly half of the vehicles presented each day will undergo a current full comprehensive inspection with the other half undergoing a critical item inspection. Over time, schedules may be adjusted based on the ability and consent of both the operator and the inspector to handle more vehicles per day.

## **Section 2.7: Evaluation, Intervention and Enforcement**

### **Evaluation, Intervention and Enforcement Activities Commensurate with Performance**

The level of review and corrective effort focused on operators will be proportionate with their overall safety and compliance performance. Low performance operators will be subject to more frequent inspections and reviews and will face tougher corrective actions and penalties.

**Compliance Reviews** – (currently being performed on those holding NYSDOT and/or USDOT operating authority) are an on-site examination of required safety related records, such as driver's hours of service (logbooks); driver qualification records; drug and alcohol testing records; driver license credentials and requirements; vehicle maintenance and inspection records; financial responsibility (insurance); accident register; and other safety and transportation records to determine whether a motor carrier meets current safety fitness standards. However, school bus operators will undergo a modified review since compliance requirements for these operators are different than those which apply to for-hire operators. (The basic components applicable to school bus operators are outlined in Attachment- A on page 5).

For all operators:

- Most significant in this review is the focus on driver-related compliance. Many national studies have found that human factors are the cause of almost 90% of accidents. This new look at driver fitness should improve overall bus safety in New York. It also provides an opportunity for the Department to better coordinate and leverage its efforts with those of NYS Department of Motor Vehicles and U.S. Department of Transportation to be more comprehensive and less duplicative.
- Also significant is the attention on vehicle maintenance and inspection records. This is an additional tool that will help verify the thoroughness of an operator's preventive maintenance program. It will help identify those operators that truly have a year- round commitment to safety and effective vehicle maintenance.

**Random Vehicle Inspections** – may be conducted as part of compliance reviews. This inspection will focus on critical vehicle safety components. Vehicles will be selected for these reviews in a manner to minimize disruption to the operators' service. Typically, vehicles will be selected as they come back from a run or sometimes, when an alternative vehicle is available, as they are about to go into service. Serious violations noted during these reviews will result in the vehicle being placed out-of-service but will not typically cause the DOT inspection sticker to be removed from the vehicle. The operator will be required to correct the out-of-service condition before the vehicle is placed back in service, and to certify to the Department that the condition was corrected. These random inspections do not affect operator profiles but will affect federal Safety Measurement System (SMS) scores where applicable.

## **Section 2.8: Corrective Action & Safety Improvements**

**Corrective Actions** – The Department may use several tools to improve safety and compliance among poor performing operators. These corrective actions can include:

- Additional inspections and compliance reviews.
- Loss of B & C privileges (inspection certificate will not be issued until all defects; even minor ones are corrected)
- Additional random vehicle inspections.
- Notices of Violation resulting in civil penalties.
- Suspension or revocation of intrastate operating authority.
- Removal of inspection stickers.
- Additional compliance actions.

**Small Operators** – Operators that undergo fewer than 10 regularly scheduled inspections in a SFY will be evaluated based on the past 2 SFYs. Any operator that has undergone fewer than 10 regularly scheduled inspections over the past 2 SFYs will not be categorized and will continue to have their vehicles undergo at least 2 full comprehensive inspections every 12 months. However, OOS rates will be used to determine categories for the purpose of performing compliance reviews.

**Safety Improvements** – This strategy is intended to strengthen the bus inspection program and improve safety and compliance by focusing the most attention where there are the greatest risks, and by establishing a strong incentive for operators to improve their performance.

Other specific benefits include:

- Greater vigilance and new tools will help further level the playing field for all operators.
- Increased attention through compliance reviews and additional vehicle inspections on the poorest performers will require additional resources and commitment on their part both during and as follow-up to this additional scrutiny. This disincentive should encourage better operator performance.
- Critical item inspections will streamline the effort focused on the best performers and will reduce the time they need to commit vehicles, staff and garage facilities for inspections. This incentive should also encourage better operator performance.
- Compliance reviews will generate sharper focus on operators' overall operational and performance components. This new attention on driver related components is a significant benefit, because data shows that most accidents are driver related.
- Further improve the consistency of the bus inspection program through additional attention to procedures, training and program oversight.
- Better linkage to existing NYSDOT and other agency safety programs. Implement scheduled inspections, roadside inspections and compliance reviews in a complementary manner to provide a more comprehensive overall assessment and reduce duplicative effort by stakeholders.
- Maintain a programmatic safety net. Operators that perform poorly will be subject to the same or even more rigorous examination than currently exists.



## **Section 2.9: Compliance Review List for School Operators**

### **Attachment- A**

#### *Performance Based Bus Safety Program School Bus Operator Compliance Review*

Performed in Accordance with Standard Compliance Review Procedures Conducted of all Motor Carriers of Passengers Covering the Following Areas:

#### **Driver Qualifications:**

- Correct License Class
- Proper S and P Endorsements
- Check Restrictions
- 19-A (Random Review of Drivers Compared to 19-A Roster – any issues uncovered will be coordinated with and forwarded to the New York State Department of Motor Vehicles for appropriate follow-up)

#### **Drug/Alcohol Testing Program:**

- Program is in place and all drivers are enlisted

#### **Maintenance Program:**

- Review of Driver Vehicle Inspection Reports (DVIRs)
- Check for Appropriate Follow-up of Defects Noted on DVIRs
- Adherence to Preventive Maintenance (PM) Plan; PM Records and Maintenance Records on File
- MC 300s Review (Check for Trips Performed During Lapses in Inspection Coverage)

#### **Random Compliance Review Inspections:**

- Conduct Random Inspections
  - With consideration of operator scheduling & logistical issues
  - Random Compliance Review Inspection – An inspection that includes examination of brake system; exhaust system; frame; fuel system; mirrors; turn signals; brake lamps; tail lamps; head lamps; stop arm; steering mechanism; suspension; tires; wheels and rims; windshield wipers; emergency exits and wheelchair lift if applicable.

#### **Accident Register:**

- Accident Register – Exists and is Current

## Section 2.10: Reportable Accidents

All operators subject to New York State Department of Transportation Inspection Program are required to notify the Department under certain conditions when accidents occur. In most cases, the Motor Vehicle Inspector (MVI) to whom the operator is assigned will receive the initial notification that an accident has occurred. No work shall be performed on and no passengers shall be transported in the vehicle involved until it is released by the Department. The vehicle may be removed/towed from the accident scene and is under the jurisdiction of the investigating police agency until released. You may also need to report the accident to the New York State Department of Motor Vehicles (NYSDMV) and/or New York State Department of Education (NYSED).

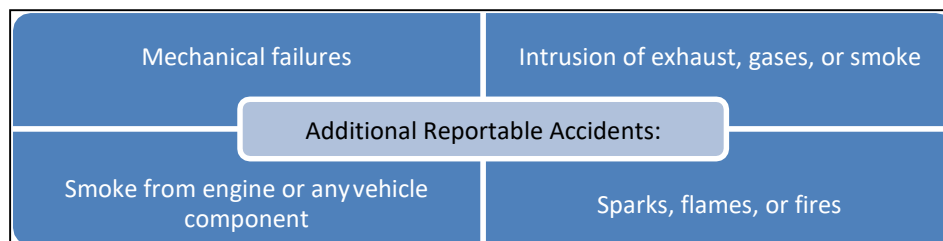
### Reportable Accident Definition for NYSDOT From 17 NYCRR Section 722.1

(a) Any accident in any way involving a motor vehicle subject to department inspection, which results in the loss of life or injury of any passenger, employee or other person, or which was caused by mechanical failure (regardless of whether or not injuries were incurred), shall be immediately reported to the department by telephone.



(b) In addition to an incident commonly known as an accident, the following are reportable accidents within the purview of this Part:

- (1) any mechanical failure;
- (2) evidence of intrusion into the body of the vehicle of carbon monoxide, exhaust fumes emitted from such vehicle, or other noxious gases or smoke;
- (3) smoke (other than normal exhaust) emanating from the engine or any other part of the vehicle, whether internal or external; and
- (4) presence of or emission, whether internal or external, of sparks, flame or fire.



(c) No work shall be performed on and no passengers shall be transported in the vehicle involved until it is released by the Department of Transportation.

## **Section 2.11: Suspensions and Revocations**

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### **Procedures for Suspension/Revocation:**

*From 17 NYCRR 720.32*

#### **Suspension and revocation of operating authority.**

- a) Notwithstanding any regulation of the Department to the contrary, pursuant to section 145 and section 156(2) of the Transportation Law, the commissioner may suspend or revoke the operating authority of any motor carrier of passengers by certificate or permit for the following safety reasons:
1. The nature and frequency of out of service violations found in the course of roadside safety inspections leads the commissioner to conclude that the continued operation of the motor carrier of passengers poses a threat to public safety. The incidence of out of service violations that may result in action to suspend and/or revoke operating authority shall be as follows:
    - i. at least 10 driver roadside safety inspections within the preceding six-month period that resulted in a driver out of service rate of 20 percent or more; or
    - ii. at least 10 vehicle roadside safety inspections within the preceding six-month period that resulted in a vehicle out of service rate of 40 percent or more;
  2. for any motor carrier of passengers that has been the subject of at least 10 department vehicle inspections conducted in the preceding State fiscal year pursuant to section 140(3) of the Transportation Law, a vehicle out of service rate of 25 percent or more.
  3. an employee or agent operates a bus controlled by the motor carrier while intoxicated in violation of the Vehicle and Traffic Law;
  4. an employee or agent operates a bus controlled by the motor carrier while using or in possession of drugs in violation of the Vehicle and Traffic Law;
  5. the motor carrier directs or allows an employee or agent to operate a bus after such operator has been placed out of service in violation of the Transportation Law, Vehicle and Traffic Law or regulations adopted thereunder;
  6. the motor carrier directs or allows an employee or agent to operate a bus that has been placed out of service in violation of the Transportation Law, Vehicle and Traffic Law or regulations adopted thereunder; or
  7. the motor carrier directs or allows an employee or agent to operate a bus without a required license in violation of the Vehicle and Traffic Law.
- b) Notwithstanding any regulation of the department to the contrary, the commissioner may immediately suspend or revoke the authority of any motor carrier of passengers operating pursuant to a certificate or permit issued by the commissioner pursuant to article 6 or article 7 of the Transportation Law if such motor carrier of passengers operates concurrently under any authority issued by the United States Department of Transportation, Federal Motor Carrier Safety Administration, and such Federal operating authority has been revoked or a Federal out of service order is in effect, or if such motor carrier of passengers operates concurrently in interstate commerce without the requisite operating authority.

## **Section 2.11: Suspensions and Revocations**

- c) The suspension of operating authority as provided in subdivision (a) or (b) of this section shall be effective 10 business days after the date of issuance of the notice of suspension. Pending the effective date of such suspension, any motor carrier of passengers subject to this section may be heard to present proof as to why such suspension should not occur or be continued. The commissioner shall make a determination based upon a hearing of the proof whether such suspension shall become effective or continue and a hearing regarding permanent revocation shall be scheduled. For the purpose of making a determination as to whether the operating authority of a motor carrier should be suspended or revoked, or that some other action should be taken, any out of service violation occurring within the relevant period described in subdivision (a) of this section shall be considered, provided that the motor carrier did not obtain a favorable determination for such violation. For the purposes of this section, a favorable determination means that the out of service violation was contested by such motor carrier and an administrative law judge of the Department determined that the motor carrier was not guilty of the violation charged. In addition to or in lieu of any suspension or revocation, the commissioner may, after a hearing, impose a civil penalty upon such motor carrier of passengers and notify the Commissioner of Motor Vehicles to suspend the vehicle registrations in accordance with the provisions of article 6 of the Transportation Law.
- d) Whenever the commissioner determines that the operations of a motor carrier of passengers pose a danger to public safety or the welfare of the people of the State of New York, the commissioner may serve such motor carrier with a notice or order requiring certain action or the cessation of certain activities immediately or within a specified period, and the commissioner shall provide such motor carrier with an opportunity to be heard within a period specified in such notice or order.
- e) Service may be made personally or by certified mail, return receipt requested, and a hearing shall be conducted pursuant to the provisions of section 503.2 of this Title, except that notice shall be provided in accordance with the provisions of this section.

## **Section 2.12: Bureau Enforcement Policy**

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In 2002 a Notice of Violation (NOV) enforcement policy was initiated in order to provide a continuous and structured approach to encourage and secure acceptable inspection results by all operators subject to New York State Department of Transportation (NYSDOT) semi-annual inspection.

The Department has defined a high out of service (OOS) rated operator as one that has an OOS rate of greater than or equal to 25% For all operators with 10 or more inspections who have an unacceptable safety inspection record (i.e. 25% or greater OOS rate) over an 18-month period a NOV can be issued with penalties of \$500 to \$10,000.

Penalties are based on a structured plan which take into consideration the number of annual inspections performed, OOS rate and if the operator received a NOV in the previous two years. The more annual inspections, the higher the OOS rate or previous NOV's issued result in a higher penalty.

Additionally, any carrier, regardless of its fleet size, that maintains a high OOS rate may be subject to a Department compliance review at which time enforcement action may be taken.

We are pleased that this new enforcement policy will affect a very small percentage of the carriers subject to NYSDOT inspections and that the vast majority of our carriers continue to operate at the highest safety standards in the country.

5/4/2015

# **NYSDOT**

## **Semi-Annual Inspection Program**

### **Appeal of an Out-Of-Service Determination**

Occasionally, there may be instances when a bus operator (for the purposes of this part, the term “operator” shall include operator, operator representative, owner, distributor and/or manufacturer) believes that a vehicle has been placed out-of-service (OOS) in error. The purpose of this procedure is to describe the actions the operator may take to appeal a cited defect which resulted in an OOS determination. For the purposes of this appeal process, only “A” defects are defined as OOS defects. However, questions concerning non-OOS defects (“B” and “C”) should be directed to the inspector or the inspector’s supervisor for clarification or possible informal review.

The OOS Determination appeal process consists of the following two steps:

#### **Step 1**

##### **Supervisor Review**

The operator shall immediately notify the inspector that there is a disagreement concerning an OOS defect (“A” Defect) cited on the inspection form. The inspector shall clearly explain the basis for the OOS determination as the condition relates to the OOS criteria found in 17 NYCRR Part 720.11.

If the operator decides that the inspector’s explanation is not sufficient to resolve the disagreement, the operator shall have 3 business days from the date of the inspection to contact the inspector’s supervisor in writing, preferably via email, in order for the supervisor to review the matter and seek further explanation or clarification for the issuance of the defect. In the event the inspector’s supervisor is not available, the inspector will provide the operator with an alternate supervisor to contact. It is the operator’s responsibility to set forth clear and concise reasoning as to why the inspector cited the defect(s) in error. Challenges that fail to provide sufficient reasoning may be dismissed without further review.



## Section 2 Appendix A: Appeal an Out-of-Service Determination

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If after a discussion with the supervisor, the matter can not be resolved, the operator may request an on-site review to examine the component(s) on the vehicle in its/their current state. The request to the supervisor shall be in writing. The operator shall make arrangements to have the vehicle available in order to allow the supervisor to conduct an on-site review within 3 business days from the first business day of the written request. If the supervisor does not conduct the on-site review within the 3 business days, the defect(s) shall be removed from the Department's inspection records.\*

**The component(s) in question shall not be touched or worked on in any way until the supervisor concludes the on-site review. Altering the condition of the component(s) in any way before the supervisor has a chance to examine it (them), (even if the operator decides to correct, repair or remove the defective component(s) in order to present the vehicle for re-inspection) shall be sufficient grounds for the supervisor to dismiss the challenge, unless a mutual arrangement is made to preserve/document the component(s) until the supervisor can conduct the review.**

The operator shall be apprised of the supervisor's determination in writing within **5 business days** from the first business day when the supervisor received the written challenge by the operator, if no on-site review is requested.

Operators shall be apprised of the supervisor's determination in writing within **5 business days** after the date of an on-site review.

In both cases, if a decision is not made within the time frames indicated above, the defect(s) shall be removed from the Department's inspection record, unless otherwise authorized by the inspection program Director . \*

If the supervisor determines that the defect(s) was (were) written in error, the appropriate change(s) shall be made to the Department's inspection records regarding the defect(s) and shall notify the main office that such change has been made.

The supervisor shall forward all the pertinent information and documentation, concerning the determination of any challenge, to the main office.

If the operator is not satisfied with the results of the supervisor's determination, the operator is then eligible to take advantage of Step 2- Main Office Appeal.

## Section 2 Appendix A: Appeal an Out-of-Service Determination

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### **Step 2**

#### **NYSDOT Main Office Appeal**

The operator shall submit an appeal to the main office by using the designated email link on the NYSDOT website ([passengersafety@dot.ny.gov](mailto:passengersafety@dot.ny.gov)) or submit the appeal in writing, within 10 business days from the date of the supervisor's decision to:

NYSDOT  
Passenger Carrier Safety Bureau  
POD 53  
50 Wolf Road Albany,  
NY 12232

- 1) The appeal shall set forth clear and concise reasoning as to why the supervisor's decision was in error. Specific detailed information should be included to support the appeal.
- 2) The appeal shall be reviewed and a recommendation shall be presented to the Director in order to make a final determination.
- 3) A final determination on the appeal shall be made within 30 days from the date the appeal was received in the main office or the defect(s) shall be removed from the Department's inspection records.\*

There shall be no further appeal process.

- 4) If the appeal is upheld, the specific defect(s) shall be appropriately removed/adjusted on the operator's inspection record.
- 5) Operators shall not be limited as to the number of challenges or appeals that can be filed with the Department except when:
  - An operator repeatedly abuses the appeal process by filing challenges or appeals that are repeatedly frivolous or unreasonable as determined by the Director. These operators shall be designated as ineligible to participate in the appeal process for a minimum period of 12 months.

\*The Director may sustain the defects on an operator's inspection record for good cause.

## **Section 3.1: Motor Carrier Compliance Bureau Overview**

The Motor Carrier Compliance Bureau is responsible for the administration of the statewide Motor Carrier Safety Assistance Program (MCSAP). The primary goal of this federally funded program is to reduce the number and severity of crashes and hazardous material incidents involving commercial motor vehicles. This goal is accomplished through various field operations including North American Standard (NAS) Roadside Bus Inspections, New Entrant Safety Audits, Compliance Reviews, Complaint Investigations, Security Visits, and various Educational Programs.

### **Differences between the NYSDOT Bus Inspection Program and the NAS Inspection Program:**

	<b>NYSDOT Bus Inspection Program</b>	<b>Federal NAS Inspection Program</b>
Impact of Data Collected	Results in an out-of-service percentage and annual Safety Performance Category in the Performance Based Inspection (PBI) Program.	Results in monthly Safety Measurement System Ratings in the Federal Government’s Compliance, Safety, Accountability Program.
Inspection Personnel	NYSDOT Motor Vehicle Inspectors (MVIs)	NYSDOT Motor Vehicle Inspectors (MVIs), NYSDOT, Motor Carrier Investigators (MCIs), Federal Safety Investigators (SIs), and state/local police officers.
Inspection Criteria	17 NYCRR Parts 720 thru 722 mechanical inspections-only	17 NYCRR Parts 720 thru 722 & 49 Code of Federal Regulations through adoption by 17 NYCRR Part 820 including driver credential inspections
Locations	Inspection facilities approved and scheduled by the Assigned Motor Vehicle Inspector.	Typically, unannounced and at passenger origin or destination locations using aluminum ramps & creepers for undercarriages, or at carrier terminals for “type 5” inspections (bus lifts/pits may or may not be necessary)

### **The Compliance, Safety, Accountability (CSA) Program for interventions:**

Similar to New York’s Performance Based Inspection Program, the CSA program is a Federal initiative to use a combination of NAS inspections, accident reports, and other data to prioritize motor carrier interventions and enforcement activities in categories called “Safety Measurement System” or SMS. NYSDOT Motor Carrier Investigators (MCIs) participate in the program through warning letters, compliance investigations, and civil enforcement actions against carriers with poor performance ratings. MCIs perform compliance reviews and enforcement in support of the NYS Performance Based Inspection Program as well as the Federal CSA Program.

## **Section 3.2: North American Standard Inspection Program**

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North American Standard roadside commercial vehicle inspections are performed by law enforcement, NYSDOT, Federal Department of Transportation, and other safety partners throughout the United States and by equivalent organizations in Canada and Mexico. These inspections are often performed on randomly selected passenger vehicles at trip origins and/or destinations.

### **Level I: North American Standard Inspection**

Includes examination of driver's license; Medical Examiner's Certificate and Skill Performance Evaluation (SPE) Certificate (if applicable); alcohol and drugs; driver's record of duty status, as required; hours of service; seat belt; vehicle inspection report(s) (if applicable); brake systems; cargo securement; coupling devices; driveline/driveshaft; exhaust systems; frames; fuel systems; lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps/flags on projecting loads); steering mechanisms; suspensions; tires; van and open-top trailer bodies; wheels, rims and hubs; windshield wipers; buses, motor coaches, passenger vans or other passenger-carrying vehicles – emergency exits, electrical cables and systems in engine and battery compartments, and seating.

### **Level II: Walk-Around Driver/Vehicle Inspection**

The walk-around driver/vehicle inspection will include only those items of a North American Standard Inspection that can be inspected without physically getting under the vehicle.

### **Level III: Driver/Credential Inspection**

At a minimum, Level III Inspections must include, where required and/or applicable: examination of the driver's license; Medical Examiner's Certificate and Skill Performance Evaluation (SPE) Certificate; driver's record of duty status; hours of service; seat belt; and vehicle inspection report(s).

### **Level V: Vehicle-only Inspection**

An inspection that includes each of the vehicle inspection items specified under the North American Standard Inspection (Level I), without a driver present, conducted at any location such as a carrier/operator terminal.

### **Level VII: Jurisdictional Mandated Commercial Vehicle Inspection**

An example will include inspection programs such as, but not limited to, school buses, limousines, taxis, shared-ride transportation, hotel courtesy shuttles and other intrastate operations.

## Section 3.3: NAS Inspection Program Procedures



# Inspection Procedure

## North American Standard Passenger Carrier Vehicle

For Levels II and V, omit steps that do not apply.

For more detailed information, see the written procedures contained in the CVSA Operations Manual.



Jurisdictions should adopt safety procedures based on the number of inspectors present. Multiple inspectors are recommended when using inspection ramps. Steps are marked with "Team Leader" for use during a two or three-person inspection. The team leader should determine at what step to position the passenger carrier vehicle over the inspection pit or on inspection ramps. If an inspection pit is used, ignore references to inspection ramps. When conducting a North American Standard (NAS) Level V Vehicle-Only Inspection, begin with step 10. When conducting a NAS Level II Walk-Around Driver/Vehicle Inspection, omit steps 16 through 18. Ignore the areas referring to passengers when none are present.

### 1 Inspection Preparation (Team Leader)

- Select vehicle and direct it to the inspection location.
- Gather preliminary information from the vehicle for the inspection report, including the license plate number and state/province/territory and country, company name as shown on the vehicle, company number, appropriate DOT, PUC/PSC identifiers, etc., and the time the inspection began. Verify the company operator, not the tour company or leasing company.

**Note:** Communication is paramount between the inspector(s) and the driver.

### 2 Greet and Prepare the Driver and Passengers (Team Leader)

- Identify yourself.
- Explain the inspection procedure.
- Ensure engine is off.
- Check seat belt usage and condition.
- Observe the driver's overall condition for illness, fatigue or other signs of impairment.
- Check for illegal presence of alcohol, drugs, radar detector, weapons or other contraband.
- If passengers are present, explain the purpose of the inspection and how it will be conducted.

### 3 Collect Driver's Documents (Team Leader)

- Collect commercial driver's license (CDL) and record of duty status.
- Collect Medical Examiner's Certificate and Skill Performance Evaluation (SPE) Certificate (if applicable).
- Collect periodic inspection certificates, CVP.
- Collect supporting documents: bills of lading, receipts, other documents used to verify record of duty status, trip information, tour itinerary, trip envelope and charter order.

### 4 Interview the Driver (Team Leader)

- Ask the driver for starting location, final destination, load description, time traveled, most recent stop and fueling location(s).
- Ask the driver what other jobs he/she has worked in the past week (many drivers are part time).
- Check for presence of hazardous materials/dangerous goods.

### 5 Identify the Carrier (Team Leader)

- Identify carrier by using vehicle identification, vehicle registration, insurance and driver interview.
- Check interline agreements/operating authority.

### 6 Examine Commercial Driver's License (Team Leader)

- Check the expiration date, class, endorsements, restrictions and status.

### 7 Check Medical Examiner's Certificate and Skills Performance Evaluation (SPE) Certificate (If Applicable) (Team Leader)

- Check certificate(s) date, which may be valid for up to 24 months.
- Check corrective lens requirement.
- Check hearing aid requirement.
- Check physical limitations.

**Note:** The medical qualifications may be contained in the driver's license. Proper class indicates adequate medical requirements.

### 8 Check Record of Duty Status (Team Leader)

- Check hours of service verification.
- Check accuracy of record.

### 9 Review Vehicle Inspection Reports (Team Leader)

- Check driver's daily vehicle inspection report (if applicable).
- Review the vehicle inspection report to verify that listed safety defects have been certified as corrected.

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## Section 3.3: NAS Inspection Program Procedures

Inspection Procedure  
North American Standard Passenger Carrier Vehicle



- Check for driver signature on previous driver's vehicle inspection reports (if applicable).
- Ensure vehicle has passed the required periodic inspection and has the required document and decal.
- Review periodic inspection report.
- 10** Check Passenger Area (Team Leader)
  - Check windows, emergency doors and emergency exits.
  - Check for fire extinguisher.
  - Check seats and floor and look for unacceptable items being used for temporary seating.
  - Ensure the aisle is clear of obstructions.
- 11** Check Driver's Compartment (Team Leader)
  - Check driver's seat, seat belt, low air pressure warning device, ABS malfunction lamp, and steering wheel lash and column.
  - Inspect the brake pedal (valve and treadle assembly).
- 12** Inspect Front Outside of Vehicle (Other Inspector(s))
  - Check headlamps, turn signals, emergency flashers, windshield, windshield wipers, suspension and brake components.
  - Inspect bumper and spare tire.
- 13** Inspect Left Side of Vehicle (Other Inspector(s))
  - Check wheels, rims, hubs and tires.
  - Check fuel cap(s) (if applicable).
  - Check battery compartment (if applicable).
  - Check for body damage.
  - Check cargo bays and reflective warning devices.
- Check for presence of hazardous materials/dangerous goods.
- 14** Inspect Rear of Vehicle (Other Inspector(s))
  - Check exhaust system.
  - Check tail, stop and turn signals, four-way flashers and all other required lamps for improper color, operation, mounting and visibility.
  - Check engine compartment for belts, fluid leaks and frame integrity.
  - Check wiring and electrical systems.
- 15** Inspect Right Side of Vehicle (Other Inspector(s))
  - Check wheels, rims, hubs, tires, fuel caps and exterior condition as described in step 13.
- 16** Place Inspection Ramps (All Inspector(s))
  - Place ramps either in front of or behind the wheels, as appropriate.
  - Direct the driver to drive carefully up the ramps and stop at the top. Insert chock blocks at the front and rear of the right drive wheels. Instruct the driver to release the brakes and turn off the engine.
  - Ensure air pressure is at maximum.
- 17** Inspect the Front Undercarriage (Other Inspector(s))
  - Check the steering system, front suspension, front brakes and frame.
- 18** Inspect the Rear Undercarriage (Other Inspector(s))
  - Check rear suspension, rear brakes, frame, fuel tank, tag axle and driveline/driveshaft.
- 19** Check for the Presence of Hazardous Materials/Dangerous Goods (All Inspector(s))
  - Commercial motor vehicles carrying passengers or transporting hazardous materials are subject to the same regulations as a truck, plus additional requirements and restrictions.
- 20** Check Air Loss Rate (Team Leader)
  - When an air leak is discovered, conduct an air loss rate test.
  - With the parking brakes released, the governor cut in, the reservoir pressure between 80-90 psi (551-620 kPa), and the engine at idle, have the driver apply the service brakes and hold.
  - Ensure the air pressure maintains or builds upon application and release.
- 21** Complete the Inspection (Team Leader)
  - Complete all paperwork.
  - Check the North American Standard Out-of-Service Criteria (OOSC) to determine if the driver or vehicle is out of service.
  - Return documents to driver.
  - Explain violations to driver.
- 22** Take Appropriate Enforcement Action (Team Leader)
  - Refer to the OOSC when placing the vehicle or driver out of service.
  - Inform the driver of the reason(s) for the out-of-service action.
  - Inform passengers of the necessary action and arrangements.
  - Re-inspect repaired vehicle.
- 23** Apply CVSA Decal (Team Leader)
  - If the vehicle passes inspection, apply a CVSA decal on the glass portion (window) of the passenger door as close to inspector's eye-level as possible.

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## **Section 3.4: Requesting Review of NAS Inspection Findings/Data**

Carriers may request a review of FMCSA-issued data by logging into the DataQs systems at: <http://dataqs.fmcsa.dot.gov/>. Questions or feedback may be directed to the DataQs technical support team at (877) 688-2984.

As a motor carrier or an owner-operator, you should be familiar with your crash, inspection, and registration data for two reasons: First, FMCSA uses the data to prioritize enforcement activities. Second, the public can view much of it in FMCSA systems. For more information on how to view your data in FMCSA systems, go to the relevant Frequently Asked Question in the DataQs Help Center: <https://dataqs.fmcsa.dot.gov/HelpCenter/HelpCenter.aspx>

If you believe any data listed on FMCSA websites is inaccurate, submit a Request for Data Review (RDR) in DataQs. Use the step-by-step process to help gather necessary details and submit your request. DataQs allows you to upload supporting documents, automatically routes the request to the correct agency for review, and helps you track the request. You can even request copies of inspection reports from some States.

When submitting a Request for Data Review (RDR) keep in mind the following:

It is vitally important to provide detailed information that pertains to the carrier, driver, vehicle, or event data in the Motor Carrier Management Information System (MCMIS) that is being disputed in the Request for Data Review (RDR). This applies to both the original RDR filing and afterward when submitting supplemental information. Possible sources of information include: State inspection reports; State crash reports; the Federal Motor Carrier Safety Administration's (FMCSA) Driver Information Resource (DIR) (a web-based tool that provides easy access to individual driver safety performance and compliance history and is available to FMCSA and State enforcement personnel via A&I Online); State Department of Motor Vehicles (DMV) databases; commercial motor vehicle registration and driver's licensing databases; etc. Another comprehensive source of information is "A Motor Carrier's Guide to Improving Highway Safety," a product of FMCSA's Educational and Technical Assistance Program. Other relevant information may be obtained from the motor carrier or driver, including shipping papers, leases, and other relevant records.

States make a determination on a case-by-case basis as to whether a requestor submitted sufficient documentation to support his/her RDR. This determination should be based on all evidence presented by the requestor, and/or documentation provided by the inspector or officer who recorded the crash or inspection data. The State should exercise good judgment and discretion in making determinations. A letter to the State from the driver or the carrier simply claiming the data reported are in error, or requesting that data be removed from his/her profile, are examples of insufficient supporting documentation. To help close this information gap, DataQs analysts are encouraged to request additional information from RDR filers.

Any documentation provided by the RDR filer and/or the inspector or officer who recorded the inspection or crash data should be sufficient to allow the DataQs analyst to accurately assess the issue and render an informed judgment on the filer's claim. This will expedite the review process and lessen the likelihood that the RDR filer will need to request reconsideration of the claim.

A requestor may dispute the same data in DataQs twice. RDR filers are encouraged to provide sufficient detail and documentation to support their concern when they submit their RDR.

Supporting documentation can be faxed into DataQs or electronic files can be uploaded directly into the system. Documents may be uploaded while entering the Request for Data Review or at a later time. To help expedite the review process, the Federal Motor Carrier Safety Administration encourages users to submit documentation as soon as possible.



## **Section 3.5: The Compliance, Safety, Accountability Program (CSA)**

**CSA stands for Compliance, Safety, Accountability. It is the safety compliance and enforcement program of the Federal Motor Carrier Safety Administration (FMCSA) that holds motor carriers and drivers accountable for their role in safety management.** CSA affects motor carriers, including owner-operators, by identifying those with safety problems to prioritize them for interventions such as warning letters and investigations. CSA affects drivers because their safety performance and compliance impact their safety records and, while working for a carrier, will impact their carrier's safety record.

The Federal Motor Carrier Safety Administration's CSA program uses the Safety Measurement System (SMS) to analyze data from roadside inspections, including driver and vehicle violations; crash reports from the last two years; and investigation results. The data is updated once a month and organized into seven BASICS:



**Unsafe Driving**  
Speeding, reckless driving, improper lane change, inattention, no seatbelts



**Crash Indicator**  
Histories of crash involvement (Not Public)



**Hours-of-Service Compliance**  
Noncompliance with HOS regulations, including logbooks



**Vehicle Maintenance**  
Brakes, lights, defects, failure to make required repairs



**Controlled Substances/Alcohol**  
Use/possession of controlled substances/alcohol



**Hazardous Materials Compliance**  
Leaking containers, improper packaging and/or placarding (Not Public)



**Driver Fitness**  
Invalid license, medically unfit to operate a CMV

The SMS groups carriers by BASIC with other carriers that have a similar number of safety events (e.g., crashes, inspections, or violations) and then ranks carriers and assigns a percentile from 0 to 100 (the higher the percentile, the worse the performance) to prioritize them for interventions.

### **Examples of Interventions**

**Warning Letters:** Warning letters alert motor carriers early on to safety performance and compliance problems and the consequences of not improving, which may include either Offsite or Onsite Investigations.

**Investigations:** Safety Investigators (SIs) conduct three types of investigations on motor carriers, listed below. Investigations take place at the carrier's place of business or remotely. During the investigation, SIs use FMCSA's Safety Management Cycle to diagnose safety performance and compliance problems and identify actions a carrier can take to improve safety.

#### *Offsite*

An SI requests copies of documents from a carrier for review remotely, to identify specific safety performance and compliance problems.

#### *Onsite Focused*

An SI focuses on specific safety performance and compliance problems at the carrier's place of business and may interview employees and perform vehicle inspections.

#### *Onsite Comprehensive*

An SI reviews the entire safety operation at the carrier's place of business and may interview employees and perform vehicle inspections.

To review your safety record and learn how to improve safety performance and compliance, visit <http://csa.fmcsa.dot.gov/getroadsmart>

## **Section 4.1: NYSDOT Driver Qualification File**

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49 CFR Section 391.51 explains the minimum qualification file requirements for a driver of commercial motor vehicles. Motor carriers are required to maintain a qualification file for each of their drivers (including owner-operators):

- (a) Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his/her personnel file.
  
- (b) The qualification file for a driver must include:
  - (1) **The driver's application for employment** completed in accordance with [§391.21](#);
  - (2) **A copy of the motor vehicle record** received from each State ([§391.23\(a\)\(1\)](#));
  - (3) **The certificate of driver's road test** issued to the driver pursuant to [§391.31\(e\)](#), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to [§391.33](#);
  - (4) **The annual driver record inquiry of the motor vehicle record** ([§391.25\(a\)](#));
  - (5) **The annual review of the driver's driving record** ([§391.25\(c\)\(2\)](#));
  - (6) **A list or certificate relating to violations of motor vehicle laws and ordinances** ([§ 391.27](#));
  - (7) **The medical examiner's certificate** or a legible copy of the certificate ([§ 391.43\(g\)](#)).
  - (8) **If necessary, a Skill Performance Evaluation Certificate** obtained from a Field Administrator, Division Administrator, or State Director issued in accordance with [§391.49](#); or the Medical Exemption document, issued by a Federal medical program in accordance with part 381 of this chapter; and
  - (9) **The verification of medical examiner listing** on the National Registry of Certified Medical Examiners required by [§391.23\(m\)\(1\)](#).
  
- (c) Except as provided in paragraph (d) of this section, each driver's qualification file shall be retained for as long as a driver is employed by that motor carrier and for three years thereafter.

An example driver qualification packet including a checklist can be found in Section 4 Appendix A.

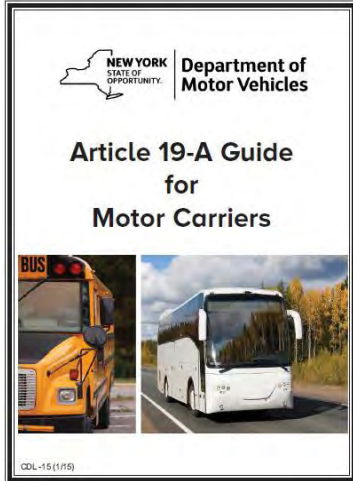
## Section 4.2: NYSDMV Article 19-A

Article 19-A (of New York State Vehicle & Traffic Law) requires you to establish and maintain, for a period of three years plus the current year, a paper file for each driver you employ. Your driver file must contain form DS-870 (Article 19-A Bus Driver Application), the pre-employment documents, and the documentation from the annual (due at least once every 12 months) and biennial (due at least once every 24 months) safety procedures that must be conducted. Your driver file should also contain all correspondence sent to you by the DMV regarding your driver's license record and/or 19-A qualification. DMV's Testing and Investigation Unit will periodically audit your files for compliance under the law.

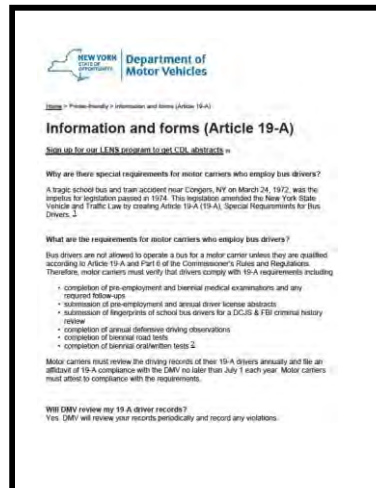
- Excerpt from New York State Department of Motor Vehicles Article 19-A Guide for Motor Carriers. (Form #CDL-15)

New York State Department of Transportation (NYSDOT) will not evaluate or provide guidance for your Article 19-A files or compliances. NYSDOT will only verify that all drivers are 19-A active with the NYSDMV, and that annual affidavits of compliances (NYS DMV form DS-3) are on file.

Available Resources for Article 19-A compliance:



1: NYSDMV Form # CDL-15



2: NYSDMV Website

NYS DEPARTMENT OF MOTOR  
VEHICLES  
  
BUS DRIVER UNIT  
6 EMPIRE STATE PLAZA  
ROOM 136B  
ALBANY, NY 12228  
(518) 473-9455  
  
BUSDRIVERUNIT@DMV.NY.GOV

3: NYSDMV Bus Driver Unit Staff

- 1: <http://dmv.ny.gov/org/motor-carriers/information-and-forms-article-19>
- 2: <http://dmv.ny.gov/forms/cdl15.pdf>

## Section 4 Appendix A: Driver File Example

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(See following 13 pages)

Further resources:

Find a medical examiner:

<https://www.fmcsa.dot.gov/medical/driver-medical-requirements/national-registry-certified-medical-examiners>

Important information for drivers with missing or impaired limbs:

<https://www.fmcsa.dot.gov/medical/driver-medical-requirements/skill-performance-evaluation-certificate-program>

Important information for drivers with diabetes, hearing/vision loss, and/or seizures:

<https://www.fmcsa.dot.gov/medical/driver-medical-requirements/driver-exemption-programs>

## Driver Qualification File Checklist

49 CFR 391 explains the minimum requirements for commercial motor vehicle drivers. Motor carriers are required to maintain a qualification file for each of their drivers. The following checklist will help you ensure that each driver qualification file is complete.

✓		Form/Inquiry/Note to Include	Must retain document for:
Initial DQ File Documents		<b>Driver's Application for Employment</b> — 49 CFR 391.21 A driver must not drive a CMV unless an application for employment is completed and signed.	Life of employment + 3 years after termination
		<b>Inquiry to Previous Employers: Safety Performance History Records Request</b> — 49 CFR 391.23(a)(1) and (b) Carriers must investigate the driver's employment record during the preceding three years. This investigation must be completed within 30 days of the date employment begins. Carrier must retain a record of the request and all response documentation.	Life of employment + 3 years after termination
		<b>Inquiry to State Agencies for 3-Year Driving Record</b> — 49 CFR 391.23(a)(1) Carriers must contact State agencies for the driver's MVR for the past three years. Request must be made within 30 days of hire. MVR must be kept in the driver's personnel file, and updated annually. See "Review of Driving Record" entry below.	Life of employment + 3 years after termination
		<b>Driver's Road Test Certificate or Equivalent*</b> — 49 CFR 391.31(e) A person must not drive a commercial motor vehicle until he/she has successfully completed a road test and has been issued a certificate.	Life of employment + 3 years after termination
		<b>Pre-Employment Drug and Alcohol Documents</b> — 49 CFR 382.301 Employers must ask potential employees if they have tested positive or refused to test, on any pre-employment drug or alcohol test within the past three years. If the potential employee admits to having a positive test or refused to test, that individual must not perform safety sensitive functions until the successful completion of the return-to-duty process. Documentation demonstrating completion of return-to-duty process must be retained in the driver qualification file	See 49 CFR 382.401 for individual document retention requirements
Ongoing Updates		<b>Medical Examiner's Certificate</b> — 49 CFR 391.43 All commercial drivers are required to pass a physical exam conducted by a licensed medical examiner at least once every 24 months. The carrier must retain a copy of this certificate. For CDL drivers; the carrier must retain a copy of the CDLIS motor vehicle record, which contains the examination information.	3 years from date of execution
		<b>Medical Examiner Verification</b> — 49 CFR 391.51(b)(9) A note must be included in the driver's qualification file to verify that the medical examiner is listed on the National Registry of Certified Medical Examiners.	3 years from date of execution
		<b>Inquiry to State Agencies for Driving Record – Annual</b> — 49 CFR 391.25 Motor carriers must contact State agencies annually for an updated copy of each driver's MVR.	3 years from date of execution
		<b>Review of Driving Record – Annual</b> — 49 CFR 391.25 (c) (2) At least once every 12 months, the carrier must collect a current motor vehicle record (MVR) from the State issuing a driver's license, and review the MVR to determine whether the driver still meets the minimum requirements for safe driving, and to confirm they are not disqualified pursuant to 49 CFR 391.15. A note including the name of the person who performed this review and the date must be retained in the file with the MVR.	3 years from date of execution
		<b>Driver's Certification of Violations – Annual</b> — 49 CFR 391.27 At least once every 12 months, drivers must submit a list of all convicted violations of motor vehicle traffic laws and ordinances during the previous 12 months. Carrier must review this and compare it with the driver's annual MVR. Note: Drivers who have provided information required by 49 CFR 383.31 need not repeat information in this annual list of violations.	3 years from date of execution

## Application For Employment

General Information				
Company Name			Company Address	
Applicant Name			Home Address	
Date of Birth	Social Security No.	Telephone Number	Email	
Previous Addresses for Past Three Years				Number of Years

**(ATTACH SHEET IF MORE SPACE IS NEEDED)**

License Information			
Section 383.21 FMCSR states "No person who operates a commercial motor vehicle shall at any time have more than one driver's license". I certify that I do not have more than one motor vehicle license, the information for which is listed below.			
Issuing State	License Number	Class	Expiration Date

Driving Experience		
Type of Equipment (Van, Bus, Truck, Tractor, etc.)	Approximate Amount of Time Operated	Approximate Number of Miles Operated

Accident Record for Past Three Years				
Date of Accident	Nature of Accident (Animal, Rear-End, Overturn, etc.)	Number of Injuries	Number of Fatalities	Chemical Spill? (Yes or No)

**(ATTACH SHEET IF MORE SPACE IS NEEDED)**

Traffic Convictions and Forfeitures for the Past Three Years			
Date Convicted (Month/Year)	Violation (Do Not Include Parking Tickets)	Location (City, State)	Penalty (Forfeited Bond, Points, etc.)
Please Answer:		Yes / No	If Yes, Please Explain
Have you ever been denied a license, permit or privilege to operate a motor vehicle?			
Has any license, permit or privilege ever been suspended or revoked?			

**(ATTACH SHEET IF MORE SPACE IS NEEDED)**

### Employment Record

Applicants that desire to drive in intrastate/interstate commerce must provide the following information on all employers during the previous three years. You must give the same information for all employers you have driven a commercial motor vehicle for the seven years prior to the initial three years (total of ten years employment record).

Must list the complete mailing address: street number and name, city, state and zip code.

Previous Employer Name		Previous Employer Address	
From	To	Telephone	Email
Position		Salary	Reason for Leaving
Any gaps in employment and/or unemployment must be explained. Include dates (month/year) and reason			
Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer?			Yes   No
Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40?			Yes   No

Previous Employer Name		Previous Employer Address	
From	To	Telephone	Email
Position		Salary	Reason for Leaving
Any gaps in employment and/or unemployment must be explained. Include dates (month/year) and reason			
Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer?			Yes   No
Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40?			Yes   No

Previous Employer Name		Previous Employer Address	
From	To	Telephone	Email
Position		Salary	Reason for Leaving
Any gaps in employment and/or unemployment must be explained. Include dates (month/year) and reason			
Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer?			Yes   No
Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40?			Yes   No

**TO BE READ AND SIGNED BY APPLICANT**

**I authorize you to make sure investigations and inquiries to my personal, employment, financial or medical history and other related matters as may be necessary in arriving at an employment decision. (Generally, inquiries regarding medical history will be made only if and after a conditional offer of employment has been extended.) 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 understand, also, that I am required to abide by all rules and regulations of the Company.

“I understand that information I provide regarding current and/or previous 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(d) and (e). 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 re-send 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.

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

\_\_\_\_\_  
DATE

Note: A motor carrier may require an applicant to provide information in addition to the information required by the Federal Motor Carrier Safety Regulations.



## Safety Performance History Records Request

PART 1	TO BE COMPLETED BY APPLICANT			
Previous Employer Name	Previous Employer Address			
Telephone	Fax	Email		
Applicant Name	Date of Birth	Social Security Number		
<p>I hereby authorize the above entity to release and forward the information requested by PARTS 2 &amp; 3 of this document concerning my accident history and controlled substances &amp; alcohol testing records within the previous three years from the date of this request. This information is being requested in compliance with 49 CFR §40.25(g) and 391.23.</p> <p>_____</p> <p>APPLICANT'S SIGNATURE <span style="float: right;">DATE</span></p> <p>In compliance with 49 CFR §40.25(g) and 391.23(h), release of this information must be made in a written form that ensures confidentiality, such as fax, email, or letter. Please forward the requested information to the following prospective employer:</p>				
Prospective Employer Name	Prospective Employer Address			
Telephone	Fax	Email		
PART 2	TO BE COMPLETED BY PREVIOUS EMPLOYER			
Was the above-named applicant employed by your company?			Yes	No
Position	From	To		
Did the above-named applicant operate commercial motor vehicles for your company?			Yes	No
What type of vehicles did he/she operate?		Reason for leaving your employ:		
Employee Accident Record for Past Three Years				
Date of Accident	Nature of Accident (Animal, Rear-End, Overturn, etc.)	Number of Injuries	Number of Fatalities	Chemical Spill? (Yes or No)
Additional Remarks				

PART 2 completed by:

PREVIOUS EMPLOYER REPRESENTATIVE SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_



ABSTRACT OF DRIVING RECORD

(SAMPLE)

Document # ALI 001  
PRINT DATE: 11/28/2011 TIME: 12:34:98 OPERATOR: I OFFICE: DAB

MOTORIST, MICHELLE  
6 EMPIRE STATE PLAZA  
ALBANY NY 12228  
CLIENT ID#: 522367836  
DOB: 01/25/1983 SEX: F  
HEIGHT: 5-6 EYE COLOR: BLUE  
COUNTY: ALBA  
MI #: M15752 74568 811149-83

RESTRICTIONS: CORRECTIVE LENSES, INTERLOCK DEVICE

LICENSE CLASS: \*D\* STATUS: REVOKED EXPIRATION: 01/25/2018

SUSP/REV SUMMARY: TOTAL 6 (SCOFFS 1 ON 1 DATES) JUDGEMENT \$ 0

\*\*\*\*\*  
CLASS CHANGE: 06/17/1999 ACTIVITY NEW: \*DJ\* OLD: PERMIT \*\*\*\*\*

ACCIDENT PREVENTION COURSE COMPLETED ON: 11/22/2008  
UP TO 4 POINTS CAN BE REDUCED FROM TOTAL POINTS FROM 05/22/2007 - 11/22/2008  
N/A - NON 19-A DRIVER OR COURSE PRIOR TO 01/01/94

\*\*\*\*\*  
SUSPENSIONS/REVOCATIONS \*\*\*\*\*  
SUSPENSION: 02/04/2011 PEND PROSECUTION-CT ORDER #: A1102090000  
CLEAR ON: 03/07/2011 REQUIREMENTS MET

SUSPENSION: 10/20/2011 FLD PAY DRIV ASSESS ORDER #: A110920D000

SUSPENSION: 03/14/2011 INS. NOT IN EFFECT ORDER #: C1103010000

REVOCATION: 03/09/2011 DR INTOX & .08% ALCH ORDER #: D1105180000  
COMPLIED ON: 03/09/2011

REVOCATION: 05/02/2011 AGG DWI CHILD IN VEH ORDER #: D1106020000  
COMPLIED ON: 05/02/2011

SUSPENSION: 12/17/2010 TEMP - PDG C/T HRG ORDER #: H110128  
COMPLIED ON: 12/17/2010  
CLEAR ON: 01/02/2011 TIME SERVED

This is to certify that this document is a true and complete copy of an electronic record on file in the New York State Department of Motor Vehicles, Albany, New York. The record was made in regular course of New York State Department of Motor Vehicles daily business. It is the business of the New York State Department of Motor Vehicles to create and maintain the records of drivers in the state of New York. Entries in this document are made at the time the recorded transactions or events took place or within a reasonable time thereafter. The person who reports the information is under a business duty to do so accurately.

Continued Page 2

COMMISSIONER OF MOTOR VEHICLES

## Certificate of Driver's Road Test

Instructions: If the road test is successfully completed, the person who gave it shall complete a certificate of the driver's road test. The original or copy of the certificate shall be retained in the employing motor carrier's driver qualification file of the person examined and a copy given to the person who was examined. (49 CFR 391.31(e)(f)(g))

The road test must be of sufficient duration to enable the person who gives it to evaluate the skill of the person who takes it at handling the commercial motor vehicle, and associated equipment, that the motor carriers intends to assign to him/her. As a minimum, the person who takes the test must be tested, while operating the type of commercial motor vehicle the motor carrier intends to assign him/her, on his/her skill at performing each of the following operations:

- (1) The pre-trip inspection required by §392.7 of this subchapter;
- (2) Coupling and uncoupling of combination units, if the equipment he/she may drive includes combination units;
- (3) Placing the commercial motor vehicle in operation;
- (4) Use of the commercial motor vehicle's controls and emergency equipment;
- (5) Operating the commercial motor vehicle in traffic and while passing other motor vehicles;
- (6) Turning the commercial motor vehicle;
- (7) Braking, and slowing the commercial motor vehicle by means other than braking; and
- (8) Backing and parking the commercial motor vehicle.

Driver's Name	
Social Security Number	
Driver's License Number	
State of Issuance	
Type of Power Unit	
Type of Trailer	
Type of Bus	

This is to certify that the above-named driver was given a road test under my supervision on \_\_\_\_\_  
 consisting of approximately \_\_\_\_\_ miles of driving. (DATE)

It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

\_\_\_\_\_  
 EXAMINER FIRST & LAST NAME

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 DATE

Business Name	Organization Address

In place of, and as equivalent to, the road test required by §391.31, a person who seeks to drive a commercial motor vehicle may present, and a motor carrier may accept—

(1) A valid Commercial Driver's License as defined in §383.5 of this subchapter, but not including double/triple trailer or tank vehicle endorsements, which has been issued to him/her to operate specific categories of commercial motor vehicles and which, under the laws of that State, licenses him/her after successful completion of a road test in a commercial motor vehicle of the type the motor carrier intends to assign to him/her; or

(2) A copy of a valid certificate of driver's road test issued to him/her pursuant to §391.31 within the preceding 3 years.

This form is an example only. Questionnaires may look different, but should include, at minimum, the two questions below.

## PRE-EMPLOYMENT DRUG AND ALCOHOL QUESTIONNAIRE

Applicant Name \_\_\_\_\_

Yes

No

Within the last three (3) years, have you ever tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which you applied for, but did not obtain, safety-sensitive transportation work?

If yes, have you successfully completed the return-to-duty process?



**MEDICAL EXAMINERS CERTIFICATE**

I certify that I have examined \_\_\_\_\_ in accordance with the Federal Motor Carrier Safety regulations (49 CFR 391.41-391.49 and with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when

- |  |  |
|--|--|
| <input type="checkbox"/> wearing corrective lenses               | <input type="checkbox"/> driving within an exempt intracity zone (49 CFR 391.62          |
| <input type="checkbox"/> wearing hearing aid                     | <input type="checkbox"/> accompanied by a Skill Performance Evaluation Certificate (SPE) |
| <input type="checkbox"/> accompanied by a _____ waiver/exemption | <input type="checkbox"/> qualified by operation of 49 CFR 391.64                         |

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER		TELEPHONE		DATE	
MEDICAL EXAMINERS NAME (PRINT)		<input type="checkbox"/> MD	<input type="checkbox"/> Chiropractor		
		<input type="checkbox"/> DO	<input type="checkbox"/> Advance Practice Nurse		
		<input type="checkbox"/> Physician Assistant	<input type="checkbox"/> Other Practitioner		
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO. ISSUING STATE		NATIONAL REGISTRY NO.			
SIGNATURE OF DRIVER		INTRASTATE ONLY	CDL	DRIVER LICENSE NO.	DATE
		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO		
ADDRESS OF DRIVER					
MEDICAL CERTIFICATION EXPIRATION DATE					

## MEDICAL EXAMINER VERIFICATION

MOTOR CARRIER INSTRUCTIONS: Review the driver's medical examiner's certificate for the medical examiner's information. Visit <https://www.fmcsa.dot.gov/national-registry-certified-medical-examiners-search> to verify that the medical examiner on the driver's certificate is registered in the National Registry of Certified Medical Examiners. Complete the information requested below.

---

DRIVER NAME: LAST, FIRST, MI

DATE OF BIRTH

DATE ISSUED

---

MEDICAL EXAMINER'S NAME

NATIONAL REGISTRY NUMBER

STATE

I have reviewed the National Registry of Certified Medical Examiners for the above named medical examiner in accordance with 49 CFR 391.51(b)(9) and find that he/she is properly registered.

---

REVIEWER NAME (PRINTED)

---

REVIEWER NAME (SIGNATURE)

---

REVIEWER TITLE

---

DATE



ABSTRACT OF DRIVING RECORD

(SAMPLE)

Document # ALI 001  
PRINT DATE: 11/28/2011 TIME: 12:34:98 OPERATOR: I OFFICE: DAB

MOTORIST, MICHELLE  
6 EMPIRE STATE PLAZA  
ALBANY NY 12228

CLIENT ID#: 522367836  
DOB: 01/25/1983 SEX: F  
HEIGHT: 5-6 EYE COLOR: BLUE  
COUNTY: ALBA  
MI #: M15752 74568 811149-83

RESTRICTIONS: CORRECTIVE LENSES, INTERLOCK DEVICE

LICENSE CLASS: \*D\* STATUS: REVOKED EXPIRATION: 01/25/2018

SUSP/REV SUMMARY: TOTAL 6 (SCOFFS 1 ON 1 DATES) JUDGEMENT \$ 0

\*\*\*\*\*  
CLASS CHANGE: 06/17/1999 ACTIVITY NEW: \*DJ\* OLD: PERMIT \*\*\*\*\*

ACCIDENT PREVENTION COURSE COMPLETED ON: 11/22/2008  
UP TO 4 POINTS CAN BE REDUCED FROM TOTAL POINTS FROM 05/22/2007 - 11/22/2008  
N/A - NON 19-A DRIVER OR COURSE PRIOR TO 01/01/94

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SUSPENSIONS/REVOCATIONS \*\*\*\*\*  
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SUSPENSION: 03/14/2011 INS. NOT IN EFFECT ORDER #: C1103010000

REVOCATION: 03/09/2011 DR INTOX & .08% ALCH ORDER #: D1105180000  
COMPLIED ON: 03/09/2011

REVOCATION: 05/02/2011 AGG DWI CHILD IN VEH ORDER #: D1106020000  
COMPLIED ON: 05/02/2011

SUSPENSION: 12/17/2010 TEMP - PDG C/T HRG ORDER #: H110128  
COMPLIED ON: 12/17/2010  
CLEAR ON: 01/02/2011 TIME SERVED

This is to certify that this document is a true and complete copy of an electronic record on file in the New York State Department of Motor Vehicles, Albany, New York. The record was made in regular course of New York State Department of Motor Vehicles daily business. It is the business of the New York State Department of Motor Vehicles to create and maintain the records of drivers in the state of New York. Entries in this document are made at the time the recorded transactions or events took place or within a reasonable time thereafter. The person who reports the information is under a business duty to do so accurately.

Continued Page 2

COMMISSIONER OF MOTOR VEHICLES



This form is an example only. Requirements for the annual driver's certification of violations can be found in [49 CFR 391.27](#).

## ANNUAL DRIVER'S CERTIFICATION OF VIOLATIONS

**MOTOR CARRIER INSTRUCTIONS:** Each motor carrier must at least once every 12 months, require each driver to prepare a list of all violations of motor vehicle traffic laws and ordinances (other than violations involving only parking) of which the driver has been convicted, or of which he/she has forfeited bond or collateral during the preceding 12 months (49 CFR 391.27). Drivers who have provided information required by 49 CFR 383.31 need not repeat that information on this form.

**DRIVER REQUIREMENTS:** Each driver will provide the list as required by the motor carrier above. If the driver has not been convicted of, or forfeited bond or collateral on account of, any violation which must be listed, he/she shall so certify (49 CFR 391.27).

## COMPLETED BY DRIVER - CERTIFICATION OF VIOLATIONS

DRIVER NAME: LAST, FIRST, MI

SOCIAL SECURITY NUMBER

DATE OF EMPLOYMENT

HOME TERMINAL (CITY AND STATE)

DRIVER'S LICENSE NUMBER

STATE

EXPIRATION DATE

I certify that the following is a true and complete list of traffic violations required to be listed (other than those I have provided under 49 CFR 383) for which I have been convicted or forfeited bond or collateral during the past 12 months.

Check this box if you have had no violations in the past 12 months.

DATE	OFFENSE	LOCATION	TYPE OF VEHICLE OPERATED

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

DATE

DRIVER'S SIGNATURE

MOTOR CARRIER NAME

MOTOR CARRIER ADDRESS

REVIEWER PRINTED NAME

REVIEWER SIGNATURE

TITLE

DATE

## Section 4 Appendix B: Medical Certification & NYSDMV (Page 1)

**The following is excerpted from the New York State Department of Motor Vehicles website <http://dmv.ny.gov> . Please contact NYSDMV for assistance with CDL licensing medical certification requirements:**

**Mailing address:**

NYS Department of Motor Vehicles  
Medical Certification Unit  
PO Box 2601  
Albany, NY 12228-0601

**Fax:** (518) 486-4421 / (518) 486-3260

**Email:** [dmv.sm.CDLMedCertUnit@dmv.ny.gov](mailto:dmv.sm.CDLMedCertUnit@dmv.ny.gov)

**Phone from area codes 212, 347, 646, 718, 917 and 929:**

1-212-645-5550 or 1-718-966-6155

**Phone from area codes 516, 631, 845 and 914:**

1-718-477-4820

**Phone from area codes 315, 518, 585, 607 and 716:**

1-518-486-9786

### **New Federal Requirement for Medical Examiner's Certificates**

Beginning May 21, 2014, commercial drivers must obtain their US DOT Medical Examiner's Certificate from a "certified" medical examiner that is listed on the Federal Motor Carrier Safety Administration's (FMCSA) National Registry of Certified Medical Examiners (National Registry).

All US DOT Medical Examiner's Certificates issued on or after May 21, 2014 must include the certified medical examiner's National Registry number. DMV will not accept a Medical Examiner Certificate issued on or after this date without a National Registry number. DMV will reject Medical Examiner's Certificates received without a National Registry number. This will delay a driver's medical certification information being updated with DMV.

Drivers with a current, valid, unexpired US DOT Medical Examiner's Certificate on file with DMV ARE NOT required to replace the Medical Examiner's Certificate with one that has a National Registry number until their next required physical qualification exam.

FMCSA established the National Registry to help commercial drivers find trained and qualified medical examiners to perform physical qualification exams. As of May 21, 2014, the doctors listed on this registry are the ONLY doctors allowed to perform a US DOT physical examination. The list of certified medical examiners includes physicians, nurse practitioners, and physician assistants. It is available on the National Registry website.

Commercial license downgrades will begin on March 26th, 2014 for any driver who did not respond to the DMV's request for self-certification or medical certification information, or who did not keep their medical certificate information on file current with us.



## Section 4 Appendix B: Medical Certification & NYSDMV (Page 2)

### **What must I do if I get a NOTICE OF NON-COMPLIANCE AND LICENSE DOWNGRADE?**

- If the cause is "Failed to comply with Commissioners request to submit acceptable self-certification of driving type and medical documentation"
  - You must immediately submit a Medical Certification Requirements for Commercial Drivers [1] form (MC-11A) and a copy of your USDOT Medical Examiners Certificate (if you choose NA or NI as your driving type).
- If the cause is "Your US DOT Medical Examiners certificate has expired"
  - You must immediately submit an updated copy of your USDOT Medical Examiners Certificate.
- If the cause is "Your Medical Variance has expired, or your USDOT Medical Examiners Certificate or your Medical Variance has been rescinded or revoked"
  - You must contact the Federal Motor Carrier Safety Administration (FMCSA) or your Medical Examiner to have this issue resolved.

### **You can send the required documents to DMV by mail, fax or email:**

#### **Mailing address:**

NYS Department of Motor Vehicles

Medical Certification Unit

PO Box 2601

Albany, NY 12228-0601

**Fax:** (518) 486-4421 / (518) 486-3260

**e-mail:** [dmv.sm.CDLMedCertUnit@dmv.ny.gov](mailto:dmv.sm.CDLMedCertUnit@dmv.ny.gov)

You can monitor your medical certification status by creating an account through our MyDMV service. There is no fee to check your Medical Certification Status through MyDMV.

- What will happen if I don't respond to the NOTICE OF NON-COMPLIANCE AND LICENSE DOWNGRADE?
  - Failure to respond to the NOTICE OF NON-COMPLIANCE AND LICENSE DOWNGRADE will result in your license automatically being downgraded to a Non-CDL class as of the effective date on the notice. It is strongly recommended that you submit your required information to the Medical Certification Unit at least 20 days prior to the effective date of the downgrade, to allow for receipt and processing time.

If your license becomes downgraded to a non-CDL class, and you want to amend back to a CDL, you will need to visit your local DMV office to complete the transaction. This cannot be done by the Medical Certification Unit at the Central Office. Any self-certification and/or medical certification requirements must be satisfied prior to the upgrade of the license.

If your license becomes downgraded to a non-CDL class, and you do not want to amend back to a CDL, you may obtain a new non-CDL driver license document by applying for a duplicate license online. The commercial class license document in your possession will no longer be valid.

## **Section 5.1: Hours of Service**

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Drivers of Motor Buses are required to avoid allowing fatigued drivers to operate on the roads. Within New York State, maximum driving and on-duty time can be found in Section 820.6 of Title 17 of the New York Code of Rules and Regulations (17 NYCRR). Note that the regulations are not applicable to school districts or transit systems operating within their jurisdiction.

### **The maximum driving/on-duty times (17 NYCRR 820.6 Referencing 49 CFR Part 395):**

- **10-hour rule:** 10 hour driving limit after 8 consecutive hours off duty.
- **15-hour rule:** Prohibited from driving beyond 15 hours on-duty (for any labor) after 8 consecutive hours off duty.
- **60/70-hour rule:** Prohibited from driving beyond 60 or 70 hours on-duty (for any labor) during a 7 or 8 consecutive day period. Use the 70-hour rule only if business is open 7 days a week.

### **The driver's daily log:**

- When hiring a new driver or using an intermittent driver, the driver needs to complete an intermittent driver statement with TOTAL ON-DUTY HOURS for seven prior days and END TIME of their last ON-DUTY period.
- For drivers operating within a 150-air mile radius of their garage or terminal, logbooks aren't required if timesheets are kept that show the driver's starting and ending time for all labor (driving & on-duty time) each day as well as "total hours" labored. See exemption below.
- Logbook/record of duty status must be retained for 6 months.
- Keep all supporting documents for 6 months – fuel receipts, E-ZPass records, charters, etc.

### **Private Schools or School Contractors:**

- Operating school-to-home and home-to-school only do not require records of duty status. Drivers performing transportation for field trips, sporting events, concerts, etc., however, must comply with hours of service requirements.

### **Short-haul operations exemption:**

A passenger carrying CMV driver is exempt from the requirements of 49 CFR 395.8 if:

1. Driver operates within a 150 air-mile radius of the normal work reporting location
2. Driver returns to the work reporting location and is released from work within 14 consecutive hours.
3. Driver has at least 8 consecutive hours off duty separating each 12 hours on duty
4. Driver does not exceed 10 hours driving time following 8 consecutive hours off duty.
5. The carrier employing the driver maintains and retains for a period of 6 months accurate and true time records showing time driver reports for duty each day; total number of hours the driver is on duty each day; time the driver is released from duty each day; total time for the preceding 7 days for drivers used the first time or intermittently.

## Section 5.2: Electronic Logging Device Mandate

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Electronic logging devices (ELDs) are congressionally mandated as a part of the MAP-21 Act of 2012. An ELD synchronizes with the vehicle engine control module to automatically record driving time. ELDs differ from currently deployed e-logs and automatic on board recording devices (AOBRDs) because they have technical specifications and standardizations that include provisions to help prevent data tampering and harassment of drivers and also creates standard data displays and a standard data transfer process to ease demonstrating compliant records of duty status to roadside and investigative safety officials.

### ***What do I need to know?***

- The one-stop resource for information and updates on ELDs is <http://fmcsa.dot.gov/ELDS>
- A comprehensive list of registered devices and manufacturers available from vendors to comply with the mandate can be found here: <https://csa.fmcsa.dot.gov/ELD/List>
- A guidebook is available from Federal Motor Carrier Safety Administration with “Frequently Asked Questions” at the following link: <https://www.fmcsa.dot.gov/hours-service/elds/faqs>
- Further questions or concerns about the mandate may be forwarded to [ELD@dot.gov](mailto:ELD@dot.gov) or by phone 800-832-5660

### ***Exemptions and Waivers:***

The following local and long-distance drivers are not required to use ELDs:

- Drivers who use paper logs no more than 8 days during any 30-day period
- Driveaway-towaway drivers (transporting a vehicle for sale, lease, or repair)
- Drivers of vehicles manufactured before model year 2000

And for local drivers only:

- Drivers operating within 150-air mile radius from work reporting location may use time records (see Section 5 Appendix A) instead of ELDs

Waivers:

- On October 20, 2017, FMCSA granted a 5-year waiver allows that drivers using compliant mobile device- based ELDs (running on a phone or tablet) to change duty status outside of and away from their vehicle.
- On October 20, 2017, FMCSA granted a 5-year waiver allowing carriers to perform multiple yardmoves without having to re-enter “yard move” on the ELD every time the truck is turned off and on again.



Section 5 Appendix A: Blank Record of Duty Status Forms

(See following 3 pages)

# DRIVER'S TIME RECORD

Driver's Name (print) \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF "DRIVER'S DAILY LOG"  
IF THE FOLLOWING APPLIES:

- Operates within a 150 air-mile radius of the work reporting location.
- Driver returns to the work reporting location at the end of each duty tour.
- Driver does not drive after the 14th hour after coming on-duty.

Date	Start Time (On-Duty)	End Time (Off-Duty)	Total Daily Hours	Vehicle ID
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				

U.S. DEPARTMENT OF TRANSPORTATION

# DRIVER'S TIME RECORD

(ONE CALENDAR DAY – 24 HOURS)

ORIGINAL – Submit to carrier within 13 days  
DUPLICATE – Driver retains possession for eight days

\_\_\_\_\_  
(MONTH) (DAY) (YEAR)

\_\_\_\_\_  
(TOTAL MILES DRIVING TODAY)

\_\_\_\_\_  
VEHICLE NUMBERS – (SHOW EACH UNIT)

I certify these entries are true and correct:

\_\_\_\_\_  
(NAME OF CARRIER OR CARRIERS)

\_\_\_\_\_  
(DRIVER'S SIGNATURE IN FULL)

\_\_\_\_\_  
(MAIN OFFICE ADDRESS)

\_\_\_\_\_  
(NAME OF CO-DRIVER)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	19	11		
<b>1: OFF DUTY</b>																										
<b>2: SLEEPER BERTH</b>																										
<b>3: DRIVING</b>																										
<b>4: ONDUTY (NOT DRIVING)</b>																										
<b>REMARKS</b>																										

Pro or Shipping No. \_\_\_\_\_

## HOURS OF SERVICE RECORD FOR FIRST TIME OR INTERMITTENT DRIVERS

Instructions: When using a driver for the first time or intermittently, a signed statement must be obtained, giving the total time on duty (driving and on duty) during the immediate preceding seven days and the time at which the driver was last relieved from duty prior to beginning work.

Name: \_\_\_\_\_  
FIRST MIDDLE LAST

DAY	TOTAL TIME ON DUTY
1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____
<b>TOTAL</b>	_____

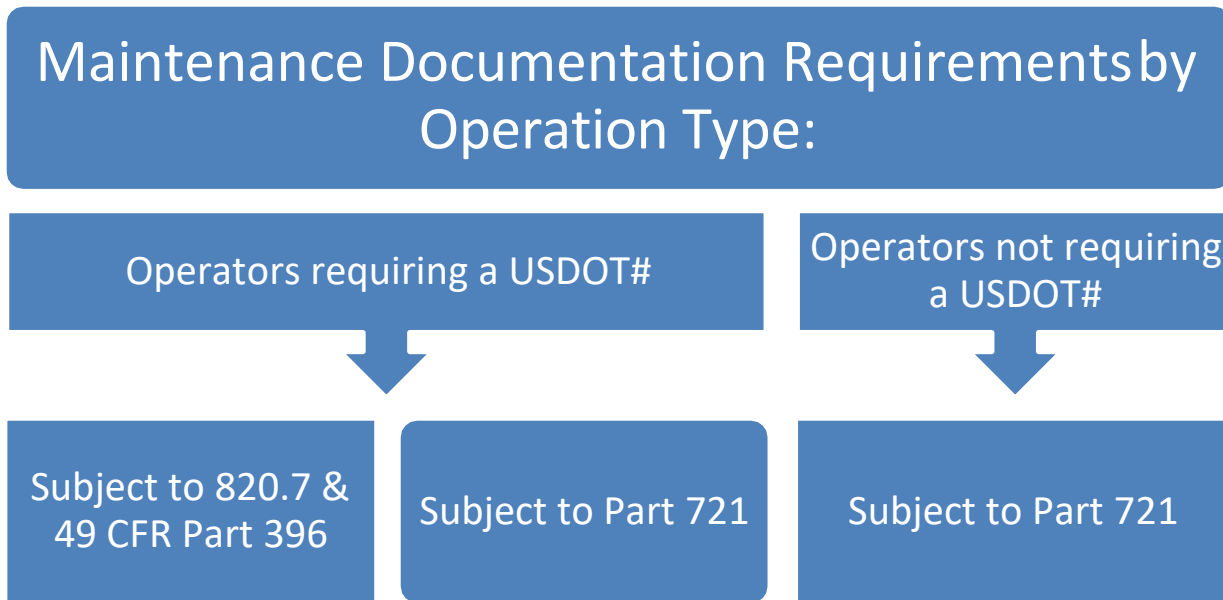
I hereby certify that the information contained herein is true to the best of my knowledge and belief, and that my last period of release from duty was from

\_\_\_\_\_ to \_\_\_\_\_  
Hour/Date Hour/Date

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Section 6.1: Maintenance Requirements

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### Requirements of 49 CFR Part 396:

- Systematic repair and maintenance program.
- Driver vehicle inspection reports
- Periodic/annual inspection
- Inspector qualification record
- Brake inspector qualification record

### Requirements of 17 NYCRR Part 721:

- Preventative Maintenance interval certification [721.2(a)]
- Driver pre trip inspection and post trip review reports [721.2(b)]
- Operator maintenance examination [721.2(d)]
- Article 19 a & b affidavit of compliance [721.2(f)]

## Section 6 Appendix A: Driver Vehicle Inspection Report

# Driver's Vehicle Inspection Report

Check ANY Defective Item and Give Details under "Remarks."

DATE: \_\_\_\_\_

TRUCK/TRACTOR NO. \_\_\_\_\_

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Air Compressor    | <input type="checkbox"/> Horn              | <input type="checkbox"/> Springs           |
| <input type="checkbox"/> Air Lines         | <input type="checkbox"/> Lights            | <input type="checkbox"/> Starter           |
| <input type="checkbox"/> Battery           | Head – Stop                                | <input type="checkbox"/> Steering          |
| <input type="checkbox"/> Brake Accessories | Tail – Dash                                | <input type="checkbox"/> Tachograph        |
| <input type="checkbox"/> Brakes            | Turn Indicators                            | <input type="checkbox"/> Tires             |
| <input type="checkbox"/> Carburetor        | <input type="checkbox"/> Mirrors           | <input type="checkbox"/> Transmission      |
| <input type="checkbox"/> Clutch            | <input type="checkbox"/> Muffler           | <input type="checkbox"/> Wheels            |
| <input type="checkbox"/> Defroster         | <input type="checkbox"/> Oil Pressure      | <input type="checkbox"/> Windows           |
| <input type="checkbox"/> Drive Line        | <input type="checkbox"/> On-Board Recorder | <input type="checkbox"/> Windshield Wipers |
| <input type="checkbox"/> Engine            | <input type="checkbox"/> Radiator          | <input type="checkbox"/> Other             |
| <input type="checkbox"/> Fifth Wheel       | <input type="checkbox"/> Rear End          |  |
| <input type="checkbox"/> Front Axle        | <input type="checkbox"/> Reflectors        |  |
| <input type="checkbox"/> Fuel Tanks        | <input type="checkbox"/> Safety Equipment  |  |
| <input type="checkbox"/> Heater            | Fire Extinguisher                          |  |
|  | Flags – Flares – Fuses                     |  |
|  | Spare Bulbs & Fuses                        |  |
|  | Spare Seal Beam                            |  |

TRAILER(S) NO (S). \_\_\_\_\_

- |  |                                       |                                    |
|--|---------------------------------------|------------------------------------|
| <input type="checkbox"/> Brake Connections   | <input type="checkbox"/> Hitch        | <input type="checkbox"/> Tarpaulin |
| <input type="checkbox"/> Brakes              | <input type="checkbox"/> Landing Gear | <input type="checkbox"/> Tires     |
| <input type="checkbox"/> Coupling Chains     | <input type="checkbox"/> Lights – All | <input type="checkbox"/> Wheels    |
| <input type="checkbox"/> Coupling (King) Pin | <input type="checkbox"/> Roof         | <input type="checkbox"/> Other     |
| <input type="checkbox"/> Doors               | <input type="checkbox"/> Springs      |                                    |

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Condition of the above vehicle is satisfactory

Driver's Signature \_\_\_\_\_

- Above Defects Corrected

- Above Defects Need NOT Be Corrected For Safe Operation Of Vehicle

Mechanic's Signature \_\_\_\_\_ Date \_\_\_\_\_

Driver's Signature \_\_\_\_\_ Date \_\_\_\_\_





## Section 6 Appendix C: Inspector and Brake Inspector Qualifications

### **VEHICLE INSPECTOR QUALIFICATIONS**

I, \_\_\_\_\_, am qualified to perform annual vehicle inspections pursuant to *Part 396.19* for the following reason(s):

- 1. Successfully completed a state or federally sponsored training program.
- 2. Have at least one year of training or experience in the following:
  - a. Participation in a truck/bus operation and maintenance training program.
  - b. Experience as a mechanic or inspector in a motor carrier maintenance program.
  - c. Experience as a mechanic or inspector in truck or bus maintenance at a commercial garage, leasing company, or similar facility.
  - d. Experience as a trained inspector for a state or the federal government.

**INSPECTOR'S SIGNATURE:** \_\_\_\_\_

### **BRAKE INSPECTOR QUALIFICATIONS**

I, \_\_\_\_\_, am qualified to perform BRAKE INSPECTIONS pursuant to *Part 396.25* for the following reason(s):

- 1. Successfully completed a state or federally sponsored training program.
- 2. Have at least one year of training or experience in the following:
  - a. Participation in a truck/bus operation and maintenance training program.
  - b. Experience as a mechanic or inspector in a motor carrier maintenance program.
  - c. Experience as a mechanic or inspector in truck or bus maintenance at a commercial garage, leasing company, or similar facility.

**INSPECTOR'S SIGNATURE:** \_\_\_\_\_

## Section 7.1: NYSDOT Abridgement of USDOT Drug and Alcohol Guidance Manual

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### Employee and Supervisor Education and Training

*What educational materials do I need to give to my employees?*

You must provide employees who perform DOT safety-sensitive functions materials that explain the DOT requirements. You must document that they received the materials. At the very least, you should include:

- The name and contact information of persons assigned to answer questions about the program.
- The duties of the employees who are subject to the program.
- Employee conduct that is prohibited by the regulations.
- The requirement that employees must be tested for drugs and alcohol.
- When and under what circumstances employees will be tested.
- The testing procedures that will be used.
- An explanation of what constitutes a refusal to test.
- An explanation of the consequences of refusing a test.
- The consequences of violating the DOT rules.
- Information on the effects of drugs and alcohol on a person's health, work, and personal life.
- The signs and symptoms of drug use and alcohol misuse.
- The name and contact information of an individual or organization that can provide counseling and access to treatment programs.

There are also training requirements for supervisors and other officials about reasonable suspicion and reasonable cause testing:

Type of Training	Duration	Documentation of training required?	Recurring training required?
Indicators of Probable Drug Use	1 Hour	Yes	Recommended as Best Practice
Indicators of Probable Alcohol Use	1 Hour	Yes	Recommended as Best Practice

### *What types of DOT tests must I conduct?*

You must give employees the following kinds of tests, when called for by DOT Agency rules:

- Pre-employment
- Random
- Reasonable Suspicion / Reasonable Cause
- Post-Accident
- Return-to-Duty (required to use a driver who refuses testing or is found positive)
- Follow-up (required to use a driver who refuses testing or is found positive)

Here are explanations about each type of test:

#### **PRE-EMPLOYMENT**

**Drug Tests:** You are required to: (1) Conduct a pre-employment drug test; and (2) Receive from the MRO a negative test result on the pre-employment drug test for a person prior to hiring or prior to using that person in a safety-sensitive position for the first time. This requirement also applies when a current employee is transferring from a non-safety sensitive position to a safely sensitive job for the first time.

**Alcohol Tests:** Unless you are regulated by the USCG, you may conduct pre-employment alcohol testing under DOT authority, but only if two conditions are met: (1) The pre-employment alcohol testing must be accomplished for all applicants [and transfers], not just some; and (2) The testing must be conducted as a post-offer requirement – meaning you must inform the applicant that he or she has the job if he or she passes a DOT alcohol test.

## Section 7.1: NYSDOT Abridgement of USDOT Drug and Alcohol Guidance Manual

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### RANDOM

Random tests are the key part of your program since they deter employees from using drugs and misusing alcohol. It is a good idea for you to have a written plan to help you to objectively and consistently apply your program.

You can choose to set higher random testing rates for your company.

The Federal Motor Carrier Safety Administration requires a drug testing rate of 25% and an alcohol testing rate of 10%, and so an employer with 100 safety-sensitive employees would have to ensure that 25 or more random drug tests and 10 or more random alcohol tests were conducted during the calendar year.

This doesn't mean that you necessarily will give random drug tests to 50 different employees or random alcohol tests to 10 different employees. Some might be picked and tested more than once, and others not at all. It's just that each time there is a random selection; all employees have an equal chance to be selected and tested.

What makes random testing so effective is the element of surprise. While employees know they will be tested, they are never quite sure of when. Random selections and testing should be performed at least quarterly. Some employers are selecting and testing more frequently. We think that is a good idea.

Employers and C/TPAs subject to more than one DOT Agency drug and alcohol testing rule may combine covered DOT safety-sensitive employees into a single random pool (for example, train engineers and truck drivers). However, companies doing so must test at or above the highest minimum annual random testing rates established by the DOT Agencies involved.

Check out "Best Practices for DOT Random Drug and Alcohol Testing" at:  
[http://www.dot.gov/ost/dapc/testingpubs/random\\_testing\\_brochure.pdf](http://www.dot.gov/ost/dapc/testingpubs/random_testing_brochure.pdf).

The *Federal Drug Testing Custody and Control Form* must be used for DOT drug tests and the *Department of Transportation Alcohol Testing Form* must be used for DOT alcohol tests. There are various vendors that supply these forms to employers, collectors, and STTs and BATs. Laboratories and C/TPAs usually provide forms to collection sites and manufacturers of alcohol testing devices usually provide forms to STTs and BATs – of course, there is a cost associated with printing the forms.

### REASONABLE SUSPICION / REASONABLE CAUSE

You are required to conduct a test for drugs or alcohol [or both] if a trained supervisor or trained company official believes or suspects an employee is under the influence of drugs or alcohol [or both]. The supervisor or company official must have been trained to recognize the signs and symptoms of drug and alcohol use. Testing cannot be required based solely on a guess or hunch or complaint from another person or phone call tip. The suspicion must be based on specific observations by the supervisor or company official concerning the employee's current appearance, behavior, speech, and smell that are usually associated with drug or alcohol use.

The reasonable suspicion / reasonable cause observations of the supervisor or company official must be documented.

### POST-ACCIDENT

You are required by the DOT Agencies and USCG to conduct drug and alcohol tests following qualifying accidents. The following table summarizes post-accident timeframes and specimens that must be collected:

DOT Agency	Specimen Type	Time Frame for Collection
FMCSA	Urine for drug testing.	Up to 32 hours from time of event
FMCSA	Saliva or breath for alcohol	Within 2 hours, but cannot exceed 8 hours from time of event.

## **Section 7.2: Drug & Alcohol Records Review**

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These represent most of the records a DOT Agency auditor, inspector, or investigator will usually request and review during a program review. Keep in mind, that a given DOT Agency may have additional and more specific record review requirements.

### **POLICIES, PLANS, AND REPORTS**

- Alcohol and drug testing policies and instructions for implementing your program.
- Previous two MIS annual reports either submitted to DOT, or prepared and retained.
- Copies of written consent forms you sent to obtain 40.25 drug and alcohol information from previous employers, and the responses received from those employers.
- Copies of written consent forms you received from prospective employers for 40.25 information, and documentation of your responses.
- Semi-annual statistical summary reports from laboratories.
- Records of blind specimens sent to laboratories for the previous two years.
- List of all employees hired or transferred into safety-sensitive service for the past two years, including documentation of previous employer records check.
- List of all employees with a non-negative test result in the last five years.

### **EMPLOYEE AND SUPERVISOR TRAINING RECORDS**

- Educational materials for employees.
- Documentation showing how education materials were made available to employees.
- List of supervisors responsible for making reasonable suspicion and reasonable cause determinations.
- Supervisory training lesson plans and course materials.
- Attendance lists for supervisors who received this training.
- Under FRA, supervisor post-accident training lesson plans, course materials, and attendance lists.

### **RANDOM TESTING RECORDS**

- Information about the type of method used to select employees for testing.
- Names of all employees in the random testing pool for each selection period that the DOT Agency or USCG will review.
- Names of all employees selected for testing.
- Names of all employees actually tested.
- CCFs and ATFs showing employees were tested within the selection period.
- For each selected employee not tested, documentation showing why the collection did not occur.
- Records of collections by location, by date (or day of the week), and by time of the day (or shift).
- Proof that testing occurred throughout all shifts and all workdays, in other words – testing was unpredictable.
- For railroads, your approved Drug and Alcohol Random Testing Plan.

## **Section 7.2: Drug & Alcohol Records Review**

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### **DRUG TESTING CUSTODY AND CONTROL FORMS FOR ALL DOT TESTS**

- Pre-employment.
- Random.
- Reasonable suspicion, including supervisor justification documentation.
- Reasonable cause, under FAA, FRA, and PHMSA, including supervisor justification documentation.
- Post-accident, including documentation showing criteria were met.
- Return-to-duty.
- Follow-up.

### **MRO RECORDS**

- Laboratory confirmed results reports sent to MROs.
- MRO CCFs.
- MRO results reports sent to employers.
- MRO records of review of CCFs.
- MRO medical review notes and records.
- MRO downgrades.
- Split request records.
- Correctable and non-correctable flaw documentation.

### **ALCOHOL TESTING FORMS FOR ALL DOT TESTS**

- Pre-employment, if applicable.
- Random, under FMCSA, FAA, FRA, and FTA.
- Reasonable suspicion, including supervisor justification documentation.
- Reasonable cause under FRA, including supervisor justification documentation.
- Post-accident, including documentation showing criteria were met.
- Return-to-duty.
- Follow-up.
- Correctable and non-correctable flaw documentation.

### **EMPLOYEE RETURN TO DUTY RECORDS**

- SAP Initial Evaluation reports.
- SAP Follow-up Evaluation reports, including follow-up testing plans.
- Employee Return to Duty and Last Chance Agreements when applicable.
- Return-to-duty and Follow-up testing compliance documentation.
- Lists of qualified SAPs that you give to those who violate the regulations.

### **SERVICE AGENT DOCUMENTATION**

- Lists of service agents and their contact information.
- Written agreements and contracts with service agents, if applicable.
- Credentials, training, and examination or proficiency documentation.



## Section 7.3: Drug & Alcohol Employer Policy

---

Motor carrier drug and alcohol policies must comply with 49 CFR 382.601 as follows:

- (a) **General requirements.** Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.
- (1) The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
  - (2) Each employer shall provide written notice to representatives of employee organizations of the availability of this information.
- (b) **Required content.** The materials to be made available to drivers shall include detailed discussion of at least the following:
- (1) The identity of the person designated by the employer to answer driver questions about the materials;
  - (2) The categories of drivers who are subject to the provisions of this part;
  - (3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance with this part;
  - (4) Specific information concerning driver conduct that is prohibited by this part;
  - (5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing under [§382.303\(d\)](#);
  - (6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by [§382.303\(d\)](#);
  - (7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part;
  - (8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
  - (9) The consequences for drivers found to have violated [subpart B](#) of this part, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under part 40, subpart O, of this title;
  - (10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
  - (11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.
- (c) **Optional provision.** The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.
- (d) **Certificate of receipt.** Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

## Section 7.4: D&A Consortia Guidance

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### What Are Consortium/Third-Party Administrators?

Consortium/Third-Party Administrators (C/TPAs) manage all, or part, of an employer's DOT drug and alcohol testing program, sometimes including maintaining required testing records. They perform tasks as agreed to by the employer to assist in implementing the drug and alcohol testing program and to help keep the employer compliant with the DOT/FMCSA Drug and Alcohol Testing rules and regulations.

A consortium will often manage the DOT random testing programs of several employers, including those of owner-operators who are not permitted to manage random testing themselves. Consortia that manage owner-operator programs play a very unique service agent role. While [§40.355\(k\)](#) prohibits service agents from serving as "designated employer representatives" (DER), the consortium is authorized to perform a number of employer functions in cases of owner-operators, and single driver employers.

While there are no DOT qualification requirements for a consortium or third-party administrator, the expectation is that they know all of the employer requirements and responsibilities under [49 CFR Part 40](#) and [Part 382](#), including the related requirements of [Part 383](#) (CDL Licensing), [Part 391](#) (Driver Qualifications), and [Part 392](#) (Driving of Commercial Motor Vehicles). Employers hire C/TPAs to keep them safe and in regulatory compliance.

Employers can be held responsible for service agent, including C/TPA, errors and resulting civil penalty actions for noncompliance. C/TPA and other service agent violations may be directly addressed under the public interest exclusion (PIE) as described in [49 CFR Part 40 Subpart R](#). Additionally under the Safe Roads Act of 2012, Congress provided authority for civil penalty actions against service agents (49 USC 31306a) [[Moving Ahead for Progress in the 21st Century Act \("MAP-21"; P.L. 112-141\)](#)].

In addition to knowing the employer requirements, C/TPAs are responsible for knowing the following:

- [§40.341](#) – Must service agents comply with DOT drug and alcohol testing requirements?
- [§40.343](#) – What tasks may a service agent perform for an employer?
- [§40.345](#) – In what circumstances may a C/TPA act as an intermediary in the transmission of drug and alcohol testing information to employers?
- [§40.347](#) – What functions may C/TPAs perform with respect to administering testing?
- [§40.349](#) – What records may a service agent receive and maintain?
- [§40.351](#) – What confidentiality requirements apply to service agents?
- [§40.353](#) – What principles govern the interaction between medical review officers and other service agents?
- [§40.355](#) – What limitations apply to the activities of service agents? Of particular importance are the exceptions afforded C/TPAs regarding owner-operators and other self-employed individuals in:
  - [§40.355\(f\)](#) – Concerning the transmission of substance abuse professional reports;
  - [§40.355\(h\)](#) – Concerning reasonable suspicion, post-accident, return-to-duty, and follow up testing; and,
  - [§40.355\(j\)\(1\)](#) – Concerning driver refusals for owner-operators and other self-employed individuals who fail to test after being scheduled and notified.

If an employer uses C/TPAs, the rules do not require a written contract, but having a written contract makes good business sense. Due to the number and complexity of drug and alcohol testing program requirements, written contracts or agreements between C/TPAs and employer clients are important to ensure each party understands who is responsible for each program requirement and provides evidence of regulatory compliance. The U.S. Department of Transportation Office of Drug and Alcohol Policy and Compliance publication "[What Employers Need to Know About DOT Drug and Alcohol Testing](#)" provides considerations about entering into contracts with service agents. Keep in mind, however, [§382.105](#) requires that each employer ensure that all alcohol or controlled substances testing conducted under this part complies with the procedures set forth in Part 40, and [§40.11](#) provides that employers are responsible for all actions of your officials, representatives, and agents (including service agents) in carrying out the requirements of the DOT agency regulations.

## Section 7.5: Drug & Alcohol Clearinghouse (FMCSA)

### What is the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse?

The Clearinghouse is a secure online database that gives employers, FMCSA, State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver’s license (CDL) and commercial learner’s permit (CLP) holders’ drug and alcohol program violations. An act of Congress directed the Secretary of Transportation to establish the Clearinghouse.

The Clearinghouse enables employers to identify drivers who commit a drug and alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required).

### The Clearinghouse requires the following:

- Employers are required to query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a CMV on public roads.
- Employers are required to annually query the Clearinghouse for each driver they currently employ.

How does the Clearinghouse improve safety?	What information does the Clearinghouse contain?
<ul style="list-style-type: none"> <li>• Makes it easier for employers to meet their preemployment investigation and reporting obligations.</li> <li>• Makes it more difficult for drivers to conceal their drug and alcohol program violations from current or prospective employers.</li> <li>• Provides roadside inspectors and other enforcement personnel with the means to ensure that drivers receive required evaluation and treatment before performing safety-sensitive functions, such as driving a commercial motor vehicle (CMV).</li> <li>• Makes it easier for FMCSA to determine employer compliance with testing, investigation, and reporting requirements</li> </ul>	<p>The Clearinghouse contains information on all CDL driver drug and alcohol program violations. These violations include:</p> <ul style="list-style-type: none"> <li>• Report for duty/remain on duty for safety-sensitive function with alcohol concentration of 0.04 or greater or while using any drug specified in the regulations (Part 40), other than those prescribed by a licensed medical practitioner</li> <li>• Alcohol use while performing, or within four hours of performing, a safety-sensitive function</li> <li>• Alcohol use within eight hours of an accident or until the post-accident test is completed, whichever occurs first</li> <li>• Test positive for use of specified drugs</li> <li>• Refusing to submit to a required alcohol or drug test</li> </ul>

### What types of drivers and employers does the Clearinghouse affect?

All CDL drivers who operate CMVs on public roads, and their employers and service agents. Including:

1. Interstate and intrastate motor carriers, including passenger carriers
2. School bus drivers
3. Construction equipment operators
4. Limousine drivers
5. Municipal vehicle drivers (e.g., waste management vehicles)
6. Federal and other organizations that employ drivers subject to FMCSA drug and alcohol use testing regulations

For more information, or to register with FMCSA’s Drug & Alcohol Clearinghouse, go to:

<https://clearinghouse.fmcsa.dot.gov>

## Section 8.1: NYSDOT Limousine Specific Requirements

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### Safe Limo NY:

New York State regulates altered vehicles, also referred to as stretched or modified, limousines. In an effort to improve consumer safety and provide guidance to the public, the Department of Transportation established the Safe Limo NY website (<https://webapps.dot.ny.gov/operator-safety-inspection-performance-data>). For the purposes of the following guidance, an altered limousine is defined as a limousine capable of transporting 9 or more persons (including the driver). Prior to chartering a stretched or modified limousine, consumers should verify the following company/driver information:

1. **Commercial Driver's License** - The driver of any DOT regulated altered limousine transporting 9 or more persons (including the driver) is required to possess, and conspicuously display in the vehicle, a valid commercial driver's license (CDL) with a Passenger Endorsement (P) issued by the New York State Department of Motor Vehicles (NYSDMV) or any State that has reciprocity with NYSDMV. Consumers should also verify that the company and the driver are in compliance with Article 19-A of the Vehicle and Traffic Law by contacting the NYSDMV Bus Driver Unit at 518-473-9455 or by email [dmv.sm.busdriverunit@dmv.ny.gov](mailto:dmv.sm.busdriverunit@dmv.ny.gov).
2. **Operating Authority** - Any company providing for-hire service to the general public, utilizing an altered limousine transporting 11 or more persons, is required to obtain operating authority in the form of a permit from NYSDOT.
3. **Vehicle Inspection** - Any company providing for-hire service to the general public, utilizing an altered limousine, is required to be inspected by NYSDOT every six months. The NYSDOT diamond-shape inspection sticker is affixed to the right side of the front windshield. Consumers should verify that the vehicle inspection sticker is valid by looking at the expiration date.
4. **Liability Insurance** - Any company providing for-hire service to the general public, utilizing an altered limousine, is required to possess a current insurance certificate that provides proof of liability insurance. Consumers should verify at the place of business that any company offering for-hire-service has a current insurance certificate with no less than \$1.5 million in combined coverage per event from an accredited insurance carrier.
5. **Operator Safety Performance** - NYSDOT performs semi-annual vehicle safety inspections on a wide variety of vehicles, including altered limousines. Consumers may access company inspection records and crash data at [safer.fmcsa.dot.gov](http://safer.fmcsa.dot.gov).
6. **Visual Inspection** - Prior to entering an altered limousine, consumers should visually inspect the vehicle. The altered limousine should be clean and free of visible defects. The vehicle should also have Federal Motor Vehicle Safety Standard (FMVSS) tag issued by original manufacturer or certified alterer on the driver's doorjamb. Any hesitation or uneasiness should be a red flag and concerns should be reported immediately to: (518) 457-6512 or [passengersafety@dot.ny.gov](mailto:passengersafety@dot.ny.gov)
7. **Seat Belts** - Seat belts are a primary safety feature in all vehicles. Just like in any passenger automobile, it is imperative to wear a seat belt for safety in the event of a crash. Consumers should ensure that seat belts are visible when entering your limousine. Ask the driver for help finding each safety belt, if necessary, and make sure each person in your party wears one.

## Section 8.1: NYSDOT Limousine Specific Requirements

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### Documents required to be in limousine:

In an effort to prioritize safety and transparency with the motoring public, the New York State Department of Transportation (NYSDOT) requires limousine operators to conspicuously post in the passenger cabin of each limousine documents relating to the qualification and inspection history of the vehicle, carrier, and driver. Such documents shall be legible and accessible to passengers in all seating positions of such vehicle. The documents required to be posted are as follows:

1. Semi-annual inspection data log: provided to a carrier by the NYSDOT bus inspector that displays a history of passed and/or failed semi-annual inspections for that particular vehicle (see Section 8 Appendix A).
2. Driver credentials: place photocopies of all subject drivers' licenses in all your stretched limousines in the folder provided by your inspector. You should black out certain information on each copy to protect your driver's privacy including ID number, address information, and date of birth.
3. Limousine Safety Website and Hotline Information: a notice which affords the public the opportunity to file a safety concern pertaining to a driver or vehicle via the New York State Department of Transportation's website and toll-free hotline (see Section 8 Appendix B).
4. Operating Authority Permit: A certificate with a diamond-shaped expiration decal affixed in the lower right quadrant demonstrating approval from NYSDOT to conduct passenger transportation in New York State. The certificate will be particular to seating capacity with 9-10 passenger vehicles receiving one variant, and 11 or more passenger vehicles receiving another (see Section 8 Appendices C & D).

### Safety Belt Regulations:

As of January 1, 2021, any altered motor vehicle, commonly known as a stretched limousine, which was altered on or after January 1, 2021, shall have at least two safety belts for the front seat, and at least one safety belt for the rear seat for each passenger for which the rear seat of such vehicle was designed, and at least one safety belt for each passenger seat position. Safety belts shall be clearly visible, accessible and maintained in good working order, and no seat safety belt installed in such altered motor vehicle shall be removed therefrom. If registered in the State of New York, a notice stating: *"Seatbelts must be available for your use. Please buckle up."* The notice shall be posted in a manner legible and conspicuous to passengers in all seating positions of such vehicles.

Any vehicle that meets the criteria listed above and is not in full compliance, will fail their NYSDOT inspection and be placed out of service. Registrations of said vehicles will be immediately suspended until such time as compliance with the statute is achieved.

Beginning February 3, 2022, any altered vehicle which was altered prior to January 1, 2021, shall not be sold or registered in New York State.

Furthermore, any such vehicle that is currently registered in this State on February 3, 2022 and was altered prior to January 1, 2021, must be retrofitted and equipped with safety belts approved by and conforming to standards established by NYSDOT.



## Section 8.2: Inclusion of 9 and 10 Passenger Vehicles

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### **Semi-annual Inspection:**

As of February 03, 2021, any for hire altered motor vehicle commonly known as a stretched limousine, which seats 9 or more passengers including the driver, will be subject to NYSDOT semi-annual inspection requirements per Section 140 of the NYS Transportation Law. These vehicles will no longer be permitted to obtain NYSDMV inspections. Information can be found at the Department's website, <https://www.dot.ny.gov/divisions/operating/oss/bus>.

### **Controlled Substance & Alcohol Testing Requirements:**

As of February 03, 2021, all motor carriers must conduct pre-employment and random controlled substance & alcohol testing on all drivers of any for-hire vehicle having a seating capacity of nine or more passengers including the driver, in conformance with testing procedures set forth in Part 382 of Title 49 of the Code of Federal Regulations. The controlled substance & alcohol testing requirements apply to all drivers of such vehicles, regardless of license class.

No driver shall consume or be under the influence of a controlled substance or alcohol within 8 hours before going on duty or operating a for-hire vehicle having a seating capacity of nine or more including the driver.

No driver shall consume or possess a controlled substance or intoxication beverage while on duty or operating such a for-hire vehicle.

All drivers are required to submit to controlled substance & alcohol testing when selected.

No motor carrier shall require or permit a driver to violate any provision regarding controlled substance & alcohol testing or be on duty if, by such person's general appearance, conduct, or other substantiated evidence, such person appears to have consumed a controlled substance or intoxicating beverage within the preceding 8 hours before the driver is to operate a regulated vehicle.





## **Section 8.3: Exemption from NYSDOT Bus Inspections**

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Certain operations may be exempt from requiring a NYSDOT Bus Inspection so long as you are not conducting passenger transportation for compensation or doing school transportation. Operators may also be exempt when conducting passenger transportation for compensation, but only when doing so in such a manner that meets any of the exemptions listed in section 151 of the New York State Transportation Law (ex: sedans with a seating capacity less than 9 passengers including the driver).

NYSDOT has a process set up to request a NYSDOT Exemption Letter. Please submit the following information in an email to [NYSDOTexemptionrequest@dot.ny.gov](mailto:NYSDOTexemptionrequest@dot.ny.gov):

1. A statement clearly specifying what you use the vehicle for and explain:
  - a. Your organization receives no compensation for the transportation provided.
  - b. Passengers are not charged for the transportation.
  - c. Your organization is not operating any other transportation business.
  - d. Your organization does not transport children in a school related capacity
  - e. Explain your operation and vehicle used if a-d above are not applicable.
2. Your name.
3. A statement that you have the authority to act on behalf of the company / organization.
4. The legal business name of the company / entity operating the vehicle.
5. A state issued document (title, previous registration) showing the vehicle information.
6. Vehicle information:
  - a. Year
  - b. Make
  - c. Model
  - d. VIN
  - e. Adult Seating Capacity (As specified on documents of VIN Tag inside driver door jamb)
  - f. Color
7. FOR STRETCH LIMOUSINES – Submit photos that display required manufacturing labels including the final manufacturing label and tire rating labels (normally found in the driver’s door jamb area)

Note: While the operation of a vehicle may be exempt from requiring a New York State semi-annual inspection, it may still constitute operations of a commercial motor vehicle. As such, CDL requirements and USDOT requirements (USDOT number) may be applicable.

# Section 8 Appendix A: Semi-annual Inspection Data Log



## New York State Commercial Vehicle of Passengers Inspection Log

[www.dot.ny.gov/divisions/operating/osss/bus/inspection](http://www.dot.ny.gov/divisions/operating/osss/bus/inspection)



**IF AT ANY TIME DURING A TRIP YOU BELIEVE THAT YOU MAY BE IN DANGER – IMMEDIATELY CALL 911**

Pursuant to Section 140 of New York State Transportation Law, this Semi-Annual Commercial Vehicle of Passengers Inspection Log and a recording of the inspection findings, shall be publicly posted and visible to all users of this vehicle. This vehicle is required by the State of New York to be inspected at least once every six months by certified Department of Transportation personnel. Any deficiencies shall be corrected within 15-days of the date of inspection. Failure of an inspection will result in an immediate Out-of-Service order. Until such time that this vehicle is repaired and re-inspected, this vehicle shall not be operated. Any attempt to operate this vehicle will result in a penalty under Article 6 of the Transportation Law and suspension of the vehicles registration by the Department of Motor Vehicles.

Vehicle Operator	Vehicle Identification Number (last 6 digits)		
Address 1 (Street Address)	License Plate Number	Bus Number	
Address 2 (City, Town or Village; State and Zip)	Make	Model	Seating Capacity
Busnet Operator Number	NYS DOT Operating Authority #		USDOT #

Inspection Date:	Inspected by:	Pass/Fail	Brakes	Lights	Steering	Tires	Exhaust	Frame	Other	Initials	Date Re-Inspected:	Pass/Fail	Initials
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

## Section 8 Appendix B: Limousine Safety Website and Hotline



### **New York State Department of Transportation Limousine Safety Website and Hotline**

New York State has established a limousine safety website and hotline for the general public. If you wish to report a safety concern pertaining to a driver or vehicle, please visit our website at: <https://webapps.dot.ny.gov/limosafety> or call our toll free hotline at **833-727-0901**.



**IF AT ANY TIME DURING A TRIP YOU BELIEVE THAT YOU MAY BE IN DANGER – IMMEDIATELY CALL 911**

**Section 8 Appendix C: Operating Authority Permit (9 and 10 passengers)**



**New York State Department of Transportation**

The following carrier has been granted permission to operate for-hire passenger service in the State of New York utilizing this vehicle, which has a seating capacity not to exceed 10 persons. The diamond shaped vehicle inspection decal affixed to this notice signifies that the vehicle has been deemed compliant as of the last vehicle inspection date with applicable laws and regulations. **If the diamond shaped decal is removed or missing, this vehicle is not authorized to transport passengers for-hire in the State of New York.**

**Operator Name:**

**Address:**



**Operation of this vehicle without the diamond shaped decal may result in a fine of up to \$10,000.**



**Section 8 Appendix D: Operating Authority Permit (11+ passengers)**



**New York State Department of Transportation  
Operating Authority Permit**



The following carrier has been granted a permit to operate for-hire passenger service in the State of New York utilizing this vehicle, which has a seating capacity of 11 or more persons. This permit shall remain in effect provided that the carrier remains in compliance with federal motor carrier safety standards and State laws and regulations governing such services. Failure to meet these conditions may result in the suspension or revocation of this permit. The diamond shaped vehicle inspection decal affixed to this permit signifies that the carrier has been deemed compliant as of the last vehicle inspection date with applicable laws and regulations. **If the diamond shaped decal is removed or missing, this vehicle is not authorized to transport passengers for-hire in the State of New York.**

Operator Name:

Address:

Case Number:



**Operation of this vehicle without the diamond shape decal may result in a fine of up to \$10,000.**

## Section 9.1: NYSDOT Passenger Carrier Safety Bureau Contact Information

### Passenger Carrier Safety Bureau

#### MAIN OFFICE:

**Steve Farina, ITS1**

**Lihua Shi, ITS1**

**Chad Smith, ITS2**

**Jeff Corey, ITS2**

50 Wolf Road, POD 53

Albany, NY 12232

Phone: (518) 457-6512

Fax: (518) 457-6513

E-mail: [passengersafety@dot.ny.gov](mailto:passengersafety@dot.ny.gov)

#### REGION 1:

Albany, Essex, Fulton, Greene, Montgomery,  
Rensselaer, Saratoga, Schenectady, Warren &  
Washington

**Tom Ward, SMVI**

50 Wolf Road POD 53

Albany, NY 12232

Phone: (518) 485-5469

Fax: (518) 457-4637

[Thomas.Ward@dot.ny.gov](mailto:Thomas.Ward@dot.ny.gov)

#### REGIONS 2 & 9:

Broome, Chenango, Delaware, Hamilton, Herkimer,  
Madison, Oneida & Schoharie

**Brett Nasypany, SMVI**

207 Genesee Street

Utica, NY 13501

Phone: (315) 793-2459

Fax: (315) 793-2720

[Brett.Nasypany@dot.ny.gov](mailto:Brett.Nasypany@dot.ny.gov)

#### REGIONS 3 & 7:

Cayuga, Clinton, Cortland, Franklin, Jefferson, Lewis,  
Onondaga, Oswego, St. Lawrence, Seneca &  
Tompkins

**Mike Nuber, SMVI**

333 E. Washington Street Syracuse, NY 13202

Phone: (315) 491-4610

Fax: (315) 428-4311

[Mike.Nuber@dot.ny.gov](mailto:Mike.Nuber@dot.ny.gov)

#### REGIONS 4 & 6:

Allegany, Chemung, Genesee, Livingston, Monroe,  
Ontario, Orleans, Schuyler, Steuben, Tioga,  
Wyoming, Wayne & Yates

**Kevin Zakes, SMVI**

1530 Jefferson Road

Rochester, NY 14623

Phone: (585) 478-6350

Fax: (585) 272-3474

[Kevin.Zakes@dot.ny.gov](mailto:Kevin.Zakes@dot.ny.gov)

#### REGION 5:

Cattaraugus, Chautauqua, Erie & Niagara

**Mike Gilliland, SMVI**

100 Seneca Street

Buffalo, NY 14203

Phone: (716) 847-3996

Fax: (716) 847-3973

[Mike.Gilliland@dot.ny.gov](mailto:Mike.Gilliland@dot.ny.gov)

#### REGION 8:

Columbia, Dutchess, Orange, Putnam, Rockland,  
Ulster & Westchester

**Raymond Santiago, SMVI**

200 Bradhurst Ave.

Hawthorne, NY 10532

Phone: (845) 437-3396

Fax: (914) 949-6530

[Raymond.Santiago@dot.ny.gov](mailto:Raymond.Santiago@dot.ny.gov)

**Thomas Stoliker, SMVI**

Phone: (914) 943-8721

Fax: (914) 742-6024

[Thomas.Stoliker@dot.ny.gov](mailto:Thomas.Stoliker@dot.ny.gov)

#### REGION 10:

Nassau & Suffolk

**Michael Cassese, SMVI**

250 Veterans Memorial Highway

Hauppauge, NY 11788-5518

Phone: (914) 742-6207

Fax: (631) 952-6029

[Micheal.Cassese@dot.ny.gov](mailto:Micheal.Cassese@dot.ny.gov)

**James Johnstone, SMVI**

Phone: (631) 952-6022

Fax: (631) 952-6029

[James.Johnstone@dot.ny.gov](mailto:James.Johnstone@dot.ny.gov)

#### REGION 11:

New York City & New Jersey

#### ▪ **Ervin Bagwandeem, SMVI**

**Ken Eady, SMVI**

Hunters Point Plaza

Long Island City, NY 11101

Phone: (718) 482-4754 or (718) 482-4752

Fax: (718) 482-4746

[Ervin.Bagwandeem@dot.ny.gov](mailto:Ervin.Bagwandeem@dot.ny.gov)

[Kenneth.Eady@dot.ny.gov](mailto:Kenneth.Eady@dot.ny.gov)



## **Section 9.2: Public Transportation Safety Board Contact Information**

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### **Public Transportation Safety Board (PTSB)**

#### **Upstate:**

**Jonathan Nicastro, Chief Investigator**

**Gregory Buff, Investigator - Upstate**

Phone: (518) 485-2448

**PTSB Bus Accident Notification (All Hours, Weekends and Holidays):**

Phone: (518) 457-3765

#### **Metro NY:**

**Jonathan Nicastro, Chief Investigator**

**Frank O'Rourke, Investigator - Metro NY**

Phone: (518) 485-2449

**PTSB Bus Accident Notification (All Hours, Weekends and Holidays):**

Phone: (518) 457-3765

## Section 9.3: Internet Links & Resources

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DMV

<http://www.dmv.ny.gov/>

19-a requirements

<http://www.dmv.ny.gov/art19.htm>

Medical Examiners  
Certificate

<http://www.dmv.ny.gov/cdl-medcert.htm>

Vehicle registration

<http://www.dmv.ny.gov/register.htm>

CDL Licensing

<https://www.dot.ny.gov/divisions/operating/osss/repository/Driver%20License%20Classes.pdf>

NYS Laws

[http://public.leginfo.state.ny.us/menugetf.cgi?CO\\_MMONQUERY=LAWS](http://public.leginfo.state.ny.us/menugetf.cgi?CO_MMONQUERY=LAWS)

Hours of Service Rules for Bus Drivers

<https://www.dot.ny.gov/divisions/operating/osss/bus-repository/PART%20723.pdf>

Pre-trip inspections

<https://www.dot.ny.gov/divisions/operating/osss/bus#inspection>

Passenger Safety Regulations (driver and vehicle)

<https://www.dot.ny.gov/divisions/operating/osss/bus-repository/busregs.pdf>

Passenger Safety Regulation Interpretations

<https://www.dot.ny.gov/divisions/operating/osss/bus-repository/interp3.pdf>

Passenger Vehicle out of service criteria (New York State)

<https://www.dot.ny.gov/divisions/operating/osss/bus-repository/oos.pdf>

School bus safety inspection  
manual

<https://www.dot.ny.gov/divisions/operating/osss/bus-repository/NYSDOT%20School%20Bus%20Safety%20Inspection.pdf>

Weekly bulletin passenger authority applications:

<https://www.dot.ny.gov/main/publications/wb-motor-carrier-applications>

NYS Department of Health

<http://www.health.ny.gov>

NYC Department of  
Transportation

<http://www.nyc.gov/html/dot/home.html>

Federal Motor Carrier Safety Administration

<http://www.fmcsa.dot.gov/>

Federal Highway Administration

<http://www.fhwa.dot.gov/>

NYS Education Department

<http://www.nysed.gov/>

NYC Department of Education

<http://www.nycenet.edu/>

NY School bus contractors association

<http://www.nysbca.com/>

NY Head Mechanic's  
association

<http://www.nyhma.org/>

NY Association for pupil transportation

<http://www.nyapt.org/>

American Bus Association

<http://www.buses.org/>

Bus Industry Safety Council

<http://www.buses.org/?q=node/115>

International Motor Coach Group

<http://www.imgcoach.com/>

National Association for Pupil Transportation

<http://www.napt.org/>

National Association of State Directors of Pupil  
Transportation Service

<http://www.nasdpts.org/>

United Motorcoach  
Association

<http://www.uma.org/>