



# Think Safety!

A Publication Of The West Virginia Propane Gas Association

Winter 2009

## Driver Requirements And Credentials

Do your drivers have their required paperwork in order? Do they check it regularly to make sure it is up-to-date? Do they even know where it is?

Your driver should not answer by asking, "What paperwork?" These are all questions

your driver should know—before he or she is stopped on the highway and the officer asks for their presentation.

In this issue of *Safety First*, we are going to talk about what is required, where it

should be kept and how it should be kept in the vehicle.

We will also discuss some other driver issues such as inspection reports, driver disqualification and hours of service.



### CDL's:

Special licenses, Commercial Drivers Licenses (CDLs) are required to operate any commercial motor vehicle or transporter of hazardous materials of sufficient quantity.

A commercial motor vehicle is defined as a vehicle that weighs 26,001 pounds or more

or is designed to carry 16 or more passengers including the driver. For the propane industry, an important part of the rule also extends the commercial vehicle designation to include any vehicle – no matter the size – that must be placarded due to the amount

of hazardous material it carries.

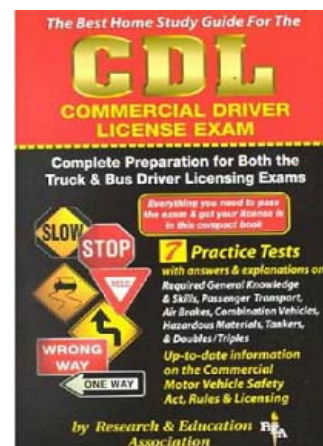
It is easy to determine that a bobtail driver would need a CDL, but the placarding portion of the rule extends it to many other types of vehicles in a propane marketer's fleet. The CDL must include the proper endorsements certifying that the driver has the knowledge and skills to transport hazardous mate-

rials safely.

CDL endorsements could include:

A hazmat endorsement (**H**) is needed to transport placarded quantities of hazardous materials.

A tanker endorsement (**N**) is needed to operate a tank vehicle used for transporting liquid or gases in bulk. Some states have additional endorsements required as well.



### Inside . . .

- Sixty & Seventy Hour Rules..... Page 2
- Correct Paperwork ..... Page 2
- Vehicle Inspection Report ..... Page 3
- Serious Traffic Violations ..... Page 3
- Railroad-Highway Grade Crossing Offenses..... Page 4
- Driver Disqualification ..... Page 4

Articles in this publication are for information only. Nothing in this publication is to be construed as setting standards or requirements. Please consult with appropriate regulatory and rulemaking bodies for all legal requirements.

# Hours-of-Service Rules:

An employer cannot permit or require a driver to drive after a total of 60 hours on duty in seven consecutive days; or 70 hours on duty in eight consecutive days.

Any period of seven or eight consecutive days may end with the beginning of any off duty period of 34 or more consecutive off duty hours.

Any time spent working on another job of any kind must also be included as "on duty time."

Thirty-four hours off at any time restarts the seven or eight-day hours of service hours cumulative total.

### Record of Duty Status:

With the exception of drivers exempted by the 100 air-mile radius exemption (which includes most bobtail drivers), each driver must prepare a daily log in his or her own handwriting for each 24-hour

period. An automated on-board recording device is acceptable.

The driver must have in his or her possession daily log records for the previous seven consecutive days. The driver must sign all hard copies of the log.

The driver must submit the original log sheet to

the employing carrier within 13 days after completion. If the driver works irregularly, the carrier must obtain a signed statement from him or her giving the total time on duty during the past seven days and the time at which he or she was last relieved of duty.

These records must be maintained for a minimum of six months at the motor carrier's principal place of business along with all supporting documents.

Failure to complete or maintain or knowingly falsifying the log or other records could lead to prosecution.

### One hundred Air-Mile Exempt:

Most bobtail delivery drivers will fall under the 100 air-mile exempt status and are not required as such to maintain a daily log.

This status applies to drivers who:

Operate within a 100 air-mile radius of his or her normal work reporting location.

Return to the work reporting location and are released from work within 12 consecutive hours.

However, bobtail drivers come near or meet the hour-

of-service restrictions during the busy winter months. Each 12 hours on duty must be separated by at least 10 consecutive hours of off duty time. Do not exceed a maximum of 11 hours driving following 10 consecutive hours off duty.

The motor carrier employer must maintain and retain for a period of six months accurate and true time records that show: the total number of hours the driver is on duty each day; the time the driver reports for duty each day; the time the driver is released from duty each day; and the total time for the preceding seven days for first-time or intermittent drivers.



## Hours of Service Waiver:

Sometimes weather or other emergency situations warrant extended time on the road to meet heating or other propane demands. At that time, the West Virginia Propane Gas Association often petitions, on behalf of its members, for a waiver of the hours of service requirements. These waivers and their duration can be found posted on the WVPGA website ([www.wvpropanegas.org](http://www.wvpropanegas.org)).

## Correct Paperwork:

All required paperwork should be up-to-date, legible and in their proper place so they can be easily and quickly accessed when needed.

The shipping paper should be clearly visible in the driver's door pouch or within reach of the driver while his or her seatbelt is fastened. The shipping papers should be designed for

that specific type of vehicle. If you are in a bobtail, the papers should be for a bobtail. If you are in a cylinder truck, then the papers should be designed for a cylinder truck.

The emergency response procedures should be included. The procedures can be spelled out on the bottom or back of the shipping paper. An ERG Guide-



**Continued on page 3**



**Tom Osina: Executive Director**  
 107 S. West Street, #110  
 Alexandria, VA 22314  
 Phone: 703/530-9772  
 Fax: 703/530-9653

Web address: [www.wvpropanegas.org](http://www.wvpropanegas.org)  
 Email address: [wvpga@aol.com](mailto:wvpga@aol.com)

**Continued from page 2**

book can also be used.

The emergency discharge (operating) control procedures must be available in either printed form or as a decal on the cargo tank near the data

plate. These procedures should be specific to your truck. The driver should have a good working knowledge of the information contained in these procedure discussions.

A daily driver's vehicle in-

spection report should be in the truck. This report should document that the driver tested the emergency discharge control system within 18 hours of the first delivery.

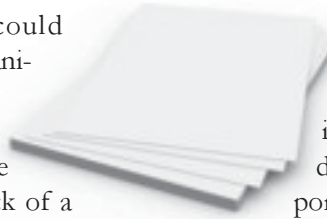
Your company may require

you to carry other items such as: post accident procedures, a post accident drug test kit, a disposable camera, a notepad and pencil and emergency contact information.

## Vehicle Inspection Report:

Federal regulations require a written driver vehicle inspection report (DVIR) to be prepared each time a commercial motor vehicle is operated. The report should be prepared at the completion of each day's work on each vehicle operated. The report must cover the required items of the pre-trip and post-trip inspection report.

The report must include any problems that would affect the safe operation of the vehicle or could cause a mechanical breakdown. If no problems are found, the lack of a problem should be noted. The report must be signed by the driver. If more than one driver



uses the vehicle, only one driver has to sign the report.

All drivers should agree on the report, however.

All problems identified on the driver inspection report that could affect the safe operation of the vehicle should be repaired before the vehicle is operated

again.

All repairs should be noted on the original driver inspection report which listed the problems. Drivers must review the DVIR as part of their pre-trip inspection.

The DVIR must be kept for three months from the date the report was prepared along with the certification of repairs and the driver's review.

## Serious Traffic Violations:

Serious traffic violations can result in a 60-day driver disqualification if a driver, while operating a commercial motor vehicle (CMV), receives a second conviction within a three-year period for any combination of traffic offenses listed below.

(1) Speeding excessively, involving any speed of 24.1 kmph (15 mph) or more above the posted speed limit.

(2) Driving recklessly, as defined by State or local law or regulation, including but, not limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property.

(3) Making improper or erratic traffic lane changes.

(4) Following the vehicle ahead too closely.

(5) Violating State or local law relating to motor vehicle traffic control (other than a

parking violation) arising in connection with a fatal accident.

(6) Driving a CMV without obtaining a CDL.

(7) Driving a CMV without a CDL in the driver's possession<sup>1</sup>.

(8) Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

For a second conviction of any combination of the offenses listed above in a separate incident within a 3-year period while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for 60 days, if the conviction results in the revocation, cancellation, or suspension of the CDL holder's license or non-CMV driving

privileges.

For a third or subsequent conviction of any combination of offenses listed above in a separate incident within a 3-year period while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified

from operating a CMV for 120 days.

The disqualification period is also 120 for driving a non-CMV if the conviction results in the revocation, cancellation, or suspension of the CDL holder's license or non-CMV driving privileges.

### 60 Day Disqualification for Second Offense Within 3-Yr Period

- (1) Speeding excessively, (15 mph or more above speed limit.
- (2) Driving recklessly, as defined by State or local law or regulation,
- (3) Making improper or erratic traffic lane changes.
- (4) Following the vehicle ahead too closely.
- (5) Violating State or local law relating to motor vehicle traffic control arising in connection with a fatal accident.
- 6) Driving a CMV without obtaining a CDL.
- (7) Driving a CMV without a CDL in the driver's possession<sup>1</sup>.
- (8) Driving a CMV without the proper class of CDL and/or endorsements

## Driver Disqualification and Penalties:

A conviction of the following offenses can be determined to be major offenses punishable by a disqualification of one year if you are driving a vehicle that requires a CDL for a first violation and life for second violation of that offense or a combination of offenses.

If you are driving a vehicle that is transporting hazardous materials and is required to be placarded under the Hazardous Materials Regulations then the first offense penalty is three years with a life penalty for the second offense.

(1) Being under the influence of alcohol as prescribed by State law.

(2) Being under the influence of a controlled substance.

(3) Having an alcohol concentration of 0.04 or greater while operating a CMV

(4) Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in §383.72 of this part.

(5) Leaving the scene of an

accident.

(6) Using the vehicle to commit a felony other than a felony described in the last paragraph of this article.

(7) Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from op-

erating a CMV.

(8) Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

Keep in mind that offenses one and two as well as four through six require a disquali-

fication of your CDL for a period of one year even if you are driving a noncommercial vehicle.

Using a vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance while driving any vehicle will result in a lifetime disqualification.

## Railroad Crossing Offenses:

Railroad crossing offenses

The following railroad-highway grade crossing offenses can result in the disqualification of a driver:

(1) The driver is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train.

(2) The driver is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear.

(3) The driver is always required to stop, but fails to stop before driving onto the crossing.

(4) The driver fails to have

sufficient space to drive completely through the crossing without stopping.

(5) The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing.

(6) The driver fails to negotiate a crossing because of insufficient undercarriage clearance.

For a first conviction a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for a period of no less than 60 days.

For a second conviction of

any combination of offenses in the list above in a separate incident within a 3-year period, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for a period of no less than 120 days.

For a third or subsequent conviction of any combination of offenses listed above in a separate incident within a 3-year period, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for a period of no less than one year.

Alexandria, VA 22314  
107 S. West Street, #110





