



Blog by Tommy Ruke, The King Pin – Leading Expert in Truck Insurance

2016 – Another Year and a Lot Going On

The close of 2015 had us dealing with FAST and the requirement to hide CSA's scores. I hope that all of you have worked through this. There is a statement that the more things change; the more they stay the same. Thanks to CAB, the information insurance providers relied on is still available; not much different than before FAST. CAB has agreed to do our February 11th Truck Stop webinar to go through the information they are still providing and their interpretation of CSA scores which is based on CSA Methodology and FMCSA information.

Carrier Software has also developed a program based on CSA methodology and information to keep providing their interpretation of CSA scores as well as still providing information tracking a motor carrier's scores. This is still important so that when a motor carrier approaches an alert their agent can take steps and help them before intervention. There is an additional service that Carrier Software provides that includes a snapshot of the operation including CSA scores and other information for underwriters and retail agents.

Yes, information is still available but through a third party provider, so there is a cost incurred.

Our friend, Hank Seaton, who has been providing us with updated information concerning URS, reminds us that on 12/12/15 there is a new way to obtain a first DOT# through a portal and a form MCSA-1. As some of you remember, I tried it and it was far from the published easy way. Hank is telling us he has information from FMCSA that said, "due to ongoing processing issues with the URS portal, they are monitoring the number of connections to the database at any given time and when the connection exceeds 10, additional users will experience a 'slight delay' in processing. They are hoping that the delays will not be noticed by users." FMCSA is again blaming IT, which was their reason all this did not happen in October when required.

What does this mean to us? Not much now unless you are dealing with a new entrant. It might be a challenge for them to get their DOT#, but looking forward to 9/30/16 when everyone has to use the portal to update their information now provided on the 150, MC#'s going away and new requirements for insurance

filing for exempt for-hire and private interstate haulers of anything hazardous, we will keep you informed. We will provide an in-depth overview of these changes at our 2016 Annual Conference being held in Orlando on September 29-30.

Electronic Logging Devices (ELD's) are coming. Start telling your insureds about them. If they have them now, let the underwriter know and if they do not, help them start. Underwriters will consider them as needed equipment for a motor carrier to operate and if the motor carrier's HOS score is bad, ELD's may be required. A motor carrier using ELD's should not have a problem with their HOS scores.

The Coercion of Driver Rule will affect everyone; shippers, motor carriers, dispatchers or receivers, anyone involved in the shipment, loading and unloading items of a motor carrier. They must recognize that they cannot require a motor carrier to make a "run" that would require them to exceed speed or HOS and they could be subject to a \$16,000 fine. You might want to review this and inform your large fleets, shippers, and brokers about this requirement to make sure they have procedures to alleviate the problem. They need to document any complaint by a driver with the complaint and the action taken. The Rule is effective 1/29/16.

A second bill has been drawn dealing with money and the government. The budget has been passed and the bill was included requiring FMCSA to meet certain proof of effectiveness and need before they can reinstate the restart provision of the HOS Rule requirement, the two periods of 1 am to 5 am and only once in 137 hours. The HOS as reported by ATRI is still the number one concern of a motor carrier. How all this sorts out, Congress vs. FMCSA, will be closely watched.

A couple of other items to watch noted in CAB's "Bits & Pieces" follow:

RANDOM TESTING FOR CONTROLLED SUBSTANCES - The FMCSA will lower the random testing rate for controlled substances for drivers of commercial motor vehicles from 50 percent to 25 percent for 2016. Results from the past two years of Management Information System (MIS) surveys led to the FMCSA's decision to randomly test fewer drivers. The regulations permit a reduction in the testing when the positive rate is less than 1 percent for two consecutive calendar years. Hopefully, this is a good sign of safer truck operations.

2016 OMNIBUS APPROPRIATIONS BILL - Moments before the holiday break the 2016 Omnibus Appropriations Bill was signed into law. The bill

has some impact on motor carrier operations. The Transportation, Housing and Urban Development, or THUD, appropriations bill is included in this Omnibus bill. The 2016 Omnibus Appropriations includes the requirement that the FMCSA undertake a study to address the 34-hour restart and prohibits FMCSA from enforcing the seven-day restriction or overnight requirements until the legislative language is satisfied. I do believe that if I look back over the many years that I have been writing the Bits and Pieces that you will find at the end of every year that the Hours of Service were still in flux. By the time that they get an agreement for the new rules it will be time to start studies to see if they are still valid in the day's traveling environment.

TOW BILLS - FAST now gives state governments the regulation authority of towing companies, a provision which is anticipated to assist in limiting predatory practices by tow companies. Congress had inadvertently pre-empted the ability of state and local governments to regulate the towing industry in 1994, which created confusion for states and loopholes for tow companies. Hopefully, more states will move to limit the excessive tow charges incurred by truckers after incidents on the state's roadways

Be safe and keep the faith.