SAFETY AUDIT CHECKLIST

This checklist is provided to assist the motor carrier in preparing for their New Entrant Safety Audit. It is the responsibility of the motor carrier to ensure they are in compliance with all applicable Federal Motor Carrier Safety Regulations. The motor carrier will need to produce the following information and/or documents, unless covered by an exception or exemption, at the time of the Safety Audit.

Motor Carrier’s General Information

Corporate Officers List identifying all corporate officers or persons responsible for the legal entity. If possible, provide a copy of the corporation registration issued by the Secretary of State.

BOC-3 Filing - provide a copy of form BOC-3 Designation of Agent for Service of Process.

Annual Mileage and Annual Gross Revenue if the carrier has not been in operation for an entire year, then provide the information since beginning operation.

Shippers and Brokers List – provide a list of shippers and/or brokers used by the motor carrier.

CMV Equipment List indicating company number assigned, year, make, model, VIN and license plate number with state of issue for ALL trucks, tractors and trailers.

Current Drivers List containing driver’s name, DOB, driver license number and state of issue.

Part 40 & 382 - Drug and Alcohol Program

Controlled Substance and Alcohol written policy and copies of driver’s receipt (49 CFR 382.601)

Proof of enrollment in 3rd party consortium, if applicable, and consortium roster showing all CDL drivers are enrolled in the random selection pool. (49 CFR 382.305 and 382.403)

Annual Summary for previous calendar year indicating the total drivers in the selection pool, the number tested for controlled substance and the number selected for alcohol tests.

Pre-employment controlled substance test for each CDL driver: Federal Custody and Control Form AND Negative test result signed by MRO (49 CFR 382.301)

ALL Positive or driver refusals for controlled substance and/or alcohol tests.

If the carrier is using a driver who has tested positive for controlled substance or alcohol, provide evidence of the return to duty process and associated paperwork. (49 CFR 40 subpart O)

Proof of supervisor reasonable suspicion training (49 CFR 382.603)

Post-accident controlled substance and alcohol test, if applicable (49 CFR 382.303)
Proof the employer has asked driver if they have ever tested positive, or refused to test, on any pre-employment controlled substance or alcohol test, which they did not obtain safety sensitive transportation work covered by DOT testing rules. (CFR 49 40.25 j)

**Part 383 – Commercial Driver License (if applicable)**
Ensure each driver with a CDL has the proper Class and Endorsements for CMV operated and ensure Restrictions do not prohibit operating the type of CMV driven.

**Part 387 – Insurance² (if applicable)**
MCS-90 - Endorsement of insurance signed by insurance company representative showing the appropriate levels of insurance as required by 387.9 or 387.33.

**Part 390 – Accidents / Crashes (if applicable)**
Accident Register that details all reportable accidents involving death, serious injury, or removal by wrecker. (49 CFR 391.15 b)

Accident Reports from investigating law enforcement agencies and all other records or information pertaining to the accident including, but not limited to, investigation or reports created by the motor carrier, insurance company or any other entity. (49 CFR 391.15 a)

**Part 391 - Driver Qualification Files containing the following:**
Driver’s application for employment must meet requirements of 49 CFR 391.21

Inquiry to all previous employers within the past 3yrs - background check of safety sensitive functions. (49 CFR 391.23a 2 & c)

Inquiry to state motor vehicle records (MVR) covering 3yrs dated within 30 days of hire (49 CFR 391.23a 1 & b)

Annual driver certificate of violation, if the driver has been with the carrier over 365 days (49 CFR 391.27)

Annual MVR, if the driver has been with carrier over 365 days (49 CFR 391.25)

Carrier’s annual review of MVR, if the driver has been with the carrier over 365 days (49 CFR 391.25)

Certificate of driver’s road test (49 CFR 391.31) (Copy of CDL license will suffice 49 CFR 391.33)

Medical Examiners Certificate from a medical examiner on the National Registry of Certified Medical Examiners (49 CFR 391.43)
Carrier’s verification the Medical Certificate was issued by a medical examiner on the National Registry of Certified Medical Examiners (49 CFR 391.25m)

Skills Performance Evaluation, if applicable (49 CFR 391.49)

FMCSA Medical Variance, if applicable

**Part 395 – Hours of Service**
Records of Duty Status (log books) for each driver for the past 6 months

OR

Time Cards, if claiming exception within 100 mile radius for CMVs over 26,001 GVWR and 150 mile radius for CMVs under 26,001 GVWR. In order to get the exception all applicable requirements found in 49 CFR 395.1e must be met.

Supporting Documents as required in 49 CFR 395.8 interpretation #10

If using an Electronic Logging Device, carrier must identify the device used and ensure the ELD manufacturer is registered with FMCSA

**Part 396 – Inspection, Repair, and Maintenance**
Copies of all roadside CMV inspection reports within the past 12 months

Written Preventive Maintenance schedule (49 CFR 396.3 b 2)

Proof of annual inspector qualifications (49 CFR 396.19)

Proof of brake inspector qualifications (49 CFR 396.25)

Maintenance Files for each CMV indicating: Year, Make & Model, VIN, Tire Size, and must contain records of ALL inspections and maintenance performed on the CMV (49 CFR 396.3 b). All CMVs must have a current and valid annual inspection in the file. (49 CFR 396.17)

Driver Vehicle Inspection Reports within the past 90 days, if applicable (49 CFR 396.11)

**Hazardous Material – if applicable**
Certificate of Registration issue by PHMSA (107.620)

HM Shipping Papers – one for each type of HM carried.

Cargo Tank certification, if applicable
HM Incident Reports, if applicable (171 Subpart B)
HM Training records for HM drivers (177.816 and 172.704)
HM Training records for HM employees as defined in 171.8 (172.704)
HM Training required recordkeeping materials and documents (172.704 d)
HM Security Plan, if applicable (172.802)

FOOTNOTES
1 Part 40 and Part 382

Controlled Substance and Alcohol testing is ONLY required when the driver operates a CMV requiring a CDL.

2 Who Needs a MCS–90?

An MCS-90 is required for ALL For-Hire Motor Carriers and Private Motor Carriers that transport Hazardous Materials. HM includes ALL items listed in the DOT HM Table.

PROPERTY CARRERS - 49 CFR 387.9 Financial responsibility. The minimum levels of financial responsibility referred to in §387.7 of this subpart are hereby prescribed as follows:

Schedule of Limits—

$750,000 needed for:
For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,001 or more pounds Property (nonhazardous)

$1,000,000 needed for:
For-hire and Private (In interstate or foreign commerce, in any quantity; or in intrastate commerce, in bulk only; (with a gross vehicle weight rating of 10,001 or more pounds) Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials, and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in the $5,000,000 category.

$ 5,000,000 needed for:
For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,001 or more pounds) Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water
gallons; or in bulk Division 1.1, 1.2 and 1.3 materials. Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403

$5,000,000 needed for:

For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,001 pounds) Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403

**** Transporting motor vehicles or property/equipment that has a combustible engine are considered Class 9 Hazardous Material and require $1,000,000. ****

49 CFR 387.3 interpretation question #8

Are motor vehicles being transported considered to be HM for purposes of the financial responsibility requirements, thus requiring the higher limits set forth in the regulations?

Guidance: Yes. Even though vehicles being transported by motor vehicle are subject only to 49 CFR 173.220 of the Hazardous Materials Regulations (HMRs), they meet the definition of “Hazardous material” in 49 CFR 171.8 because “Vehicle, flammable gas powered” and “Vehicle, flammable liquid powered” are designated as hazardous in 49 CFR 172.101 [UN 3166]. For that reason, vehicles transporting other vehicles would have to carry $1,000,000 of public liability insurance.

PASSENGER CARRIERS – 49 CFR 387.33 Financial responsibility. This applies only to for-hire carriers.

$1,500,000 needed for:

Any vehicle with a seating capacity of 15 passengers or less, except as provided in 387.27(b)

$5,000,000 needed for:

Any vehicle with a seating capacity of 16 passengers or more.

3 Commercial Motor Vehicle

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property as defined in 49 CFR 390.5.