General Rules to be Considered when Complying with Department of Transportation (DOT) Rules & Regulations

There are general rules that need to be considered when complying with US Department of Transportation (DOT) Rules and Regulations for the operation of a commercial vehicle (10,001 pounds and over). Please note that the rules and regulations are frequently updated, and some states have rules that are more stringent and may supersede the federal rules. The AICP is a resource as are DOT compliance service providers who specialize in the commercial production industry and have up-to-the-minute knowledge of the latest rules and regulations.

It is important to note that these rules and regulations apply to a vehicle being driving by both union and non-union drivers.

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In order to legally operate commercial vehicles 10,001 pounds and over, each company needs to have its own DOT number. In the State of California, each company also needs to obtain and maintain its own CA number. Be aware that you need to have an active DOT number in order to apply for a CA number.

Both the DOT and the State of California will only issue one DOT and one CA number per Federal Employer Identification Number (FEIN). In the State of California, the California Highway Patrol is the governing agency tasked with assuring that businesses operating under a DOT or a CA number are in compliance with both state and federal rules and regulations (in New York City it is NYPD). You should expect frequent visits from the CHP and governing agencies to audit your company’s compliance. The results of these audits are either pass or fail. Failing can mean being subject to fines and penalties including, but not limited to, criminal charges against company managers.
If you are planning to operate a commercial vehicle for **thirty consecutive days** or more, you must have a placard on the vehicle listing the legal name of your company followed by the statement, “This vehicle is being operated under [your DOT and/or CA number]”.

Contract Services Administration Trust Fund’s (CSATF) Testing Consortium Alcohol and Substance Abuse Prevention Program should be able to provide drug and alcohol compliance for members of Local 399 after signing their Consortium Member Agreement.

If you seek outside assistance, Lisa Dinson of Motion Picture Compliance Solutions, Inc. (MPCS) and Leigh Miller of dotPC, LLC can be contacted regarding all aspects of DOT compliance. Both companies work around the country and are well versed and respected in the industry, offering complementary services to your company for a fee.

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When operating a commercial motor vehicle (10,001 pounds and over) production companies must adhere to the following specific procedures in order to comply:

1. You must maintain the following documents and/or protocols for each driver:
   - Pre-employment drug and alcohol tests for any driver operating vehicles 26,001 pounds and over. In Southern California you can contact CSATF (Contract Services Administration Trust Fund) for Local 399 driver test results if your company has signed the CSATF Consortium Member Agreement. When operating outside of the Local 399 jurisdictions or for a non-union company, MPCS can arrange for drug and alcohol testing in your area.
   - §382.603 Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use.
     - Employer’s should confirm that a designated supervisor has had this training prior to starting the job. Trained individuals will be able to present a certificate to the employer as proof. Should they need to be trained in this area, MPCS offers a convenient online course. Typically, the gang boss or supervisor of the drivers carry the certificate.
   - Motor Vehicle Report (MVR) for each new job prior to driving. Note: Motor Vehicle Report Release (MVRR) forms must be signed by the driver authorizing your company and your service provider(s) to obtain his/her Motor Vehicle Report.
   - Copy of valid driver license if driving a vehicle 10,001 pounds and over. (A medical certificate is required outside of CA.)
   - Copy of valid commercial driver license if driving a vehicle 26,001 pounds and over to ensure that they are qualified to do so (Class A & B license and a valid medical certificate).
   - All Hours of Service (HOS) records, including a 7-Day Recap (a signed affidavit by the driver stating their available hours for that day), and Driver RODS (logs)
     - Assure that the commercial driver maintains RODS for the past 7 days in accordance with HOS regulations. All drivers operating vehicles 10,001 pounds and over are required to prepare and maintain a RODS for every 24-hour period (day). RODS are to be completed on an on-going basis and must be turned in to a supervisor at the end of the driver’s shift.
     - For passenger vans used in productions (vehicles designed to carry 15 passengers including the driver with a GVWR of 10,001 pounds or less) drivers are not required to log. However, we recommend a “non-commercial” log for continuity and better control of on-duty hours of the driver’s HOS records.
     - For passenger vans used in productions (vehicles designed to carry 15 passengers including the driver and/or with a GVWR of over 10,001 pounds) the drivers are required to maintain a driver’s daily log that reflects the hours of service.
     - For vehicles designed for 16 passengers or more including the driver (such as a people mover & VTR van) both Drug and Alcohol and HOS regulations apply. The driver must hold a Commercial Driver License and a Passenger endorsement.
   - The completion of documentation must be requested only when drivers are “on the clock” with the exception of the driver license, medical certificate (if required) and the Motor Vehicle Report Releases (MVRR), which are traditionally required to be completed the day prior. Note: Driver can voluntarily submit the required paperwork prior to working.
• Commercial drivers must also complete the following driver qualification documents:
  § DOT Application (signed)
  § MVR Release (signed)
  § A complete 10-year employment history (of which YOU or your service provider must investigate the last 3 years)
  § Safety Performance History Records Release (signed)
  § Entry Level Driver Training Certification (signed)
  § Fair Credit Reporting Act (FCRA) Disclosure (signed)
  § Road Test Equivalent form (signed)
  § Receipt of Policies (signed)
  § Previous Alcohol and Drug Statement (PADTS) (signed)
  § Valid DOT drug test, if operating a CMV with a GVWR 26,001 pounds and over

2. You must maintain the following for each vehicle rented:
• Rental agreement which includes your DOT number (and CA number when appropriate)
• Proof of insurance (typically a certificate of insurance)
• Valid registration
• Valid annual inspection (When renting a vehicle outside of CA or on a long-term basis it is a good idea to have the vehicle inspected prior to your taking possession of the vehicle.)
• A Driver Vehicle Inspection Report (DVIR) which is a daily visual inspection of the vehicle by the driver
• 90-day BIT (required in CA only)
  ° This is typically done by the lessor of the vehicle. While it is the rental company's obligation to keep a 90-day BIT at the rental facility, it is also a good idea to keep a copy of that document in the vehicle.
  ° 90-day BIT is not required for Passenger Vans.

3. Your company MUST have a Designated Employer Representative (DER):
• Designated Employer Representative Statement:
  This statement is an authorization by the employer of an employee who can remove employees from safety-sensitive duties and who can make required decision in the testing and evaluation process. While there are situations where you need only have one DER representative on file based on the size of the company it is usually best to have two Designated Employer Representatives.

The following violations are grounds for an automatic failure of the DOT and CHP audit regarding your DOT and CA numbers:

1. Alcohol and Drug Violations (typically performed by CSATF for those companies who are a member of their consortium).
  • No alcohol and/or drug testing program (49 CFR Part 382.115)
  • No RANDOM alcohol and/or drug testing program (49 CFR Part 382.305)
  • Using a driver who refused a required alcohol or drug test (49 CFR Part 382.301(a))
  • Using a driver who tested positive on a required alcohol or drug test (49 CFR Part 382.215)
  • Using a driver known by the company to have had a blood alcohol content of 0.04 or greater (49 CFR Part 382.215)
  • Using a driver who failed to complete required follow-up procedures after testing positive for drugs (49 CFR Part 382.503)
  • Not requiring a hired driver to do a pre-employment drug test when required to do so in order to operate a vehicle (26,001 pounds or over) (49 CFR Part 382.301(a))
2. Driver Violations
   - A New Entrant fails the Safety Audit for knowingly
     - Using a driver without a valid driver license (49 CFR Part 391.11(b) 5))
     - Using a driver without the proper class of license (49 CFR Part 391.11(b)(5))
     - Using a driver with a revoked, suspended, or cancelled driver license (49 CFR Part 391.11(b)(5))
     - Using a medically unqualified driver (49 CFR Part 391.45(a)-(b))

3. Operations Violations
   - Operating a motor vehicle without having in effect the required level of insurance (49 CFR Part 387.7(a))
   - Failing to require drivers to complete driver logs (49 CFR Part 395.8(a))
   - Missing Employer Pull Notice (EPN) (CVC 1808.1(b))

4. Repairs and Inspections Violations (provided by the rental facility to production companies)
   - Operating a vehicle declared out-of-service for safety deficiencies before repairs are made (49 CFR 396.9(c)(2))
   - Not performing out-of-service repairs reported in driver-vehicle inspection reports (DVIRs) (49 CFR 396.3 (a)(1))
   - Operating a CMV not periodically inspected (49 CFR 396.17(a))
   - Not having a 90-day BIT inspection for the vehicle (CVC 34505.5(a))

For vehicles 10,001 pounds and over, you are required to have the following items in the vehicle and available for inspection:

1. The driver’s valid driver license
2. Until June 2018 the driver’s medical examiner’s certificate when operating vehicles 26,001 pounds and over in the State of California and for all vehicles over 10,001 pounds outside the State of California
   - As of June 22, 2018, drivers will still be given a copy of their medical certificate, but the driver will not be required to it have on hand nor to submit a copy of it to the state. Rather, medical examiners will be electronically submitting the medical exam information directly to the FMCSA, who will in turn electronically submit it to the state driver licensing agencies. Since the medical information will be updated quickly and appear on the MVR, the employer will no longer be required to retain a copy.
3. A physical vehicle rental contract showing the name of the company as it appears when filing for your DOT authority including your DOT and CA numbers
4. Vehicle Registration
5. Certificate of insurance showing the name of the vehicle rental company in the certificate holder box (The name of the vehicle rental company must match the name on the vehicle registration.)
6. Copies of driver’s logs for the previous 7 days and the current up-to-date log
7. A copy of the ELD Mandate exemption issued by Cathy F. Gautreaux, Deputy Administrator at the FMCSA (can be found on AICP, MPCS & dotPC websites)
8. A copy of the CHP Hours of Service letter from M.L. Brown Commissioner (can be found on AICP, MPCS and dotPC websites)
9. Private passenger vans: first aid kit and fire extinguisher
Frequently Used Terms

7-Day Recap  A list of on-duty hours (HOS) from the 7 days prior to starting a new job in order to calculate the number of hours the driver has available to work

90 Day BIT  Basic Inspection of Terminals - vehicles over 10,001 must be inspected at least every 90 days to ensure safety (CA only)

CDL  Commercial Driver License

CMV  Commercial Motor Vehicle (10,001 and over & 16+ pass van)

CSATF  Contract Services Administration Trust Fund Alcohol & Drug Testing Program for Local 399 Drivers

DER  Designated Employee Representative

DOT  United States Department of Transportation

DRIVER  All Drivers – Union, Non-Union, PA or Other

DVIR  Driver Vehicle Inspection Report - Visual inspection of the vehicle by the driver.

ELD  Electronic Logging Device - A device or technology that automatically records a driver’s driving time and facilitates the accurate recording of the driver’s hours of service. The MPAA was granted a 5-year exemption from using ELD’s. Instead, our drivers must use paper Driver Logs.

GVWR  Gross Vehicle Weight Rating

HOS  Hours of Service: A set of daily and weekly limits restricting the amount of time a driver may spend operating a commercial motor vehicle

LOG  Driver’s Log

MC  Medical Certificate

MVR  Motor Vehicle Report

MVRR  Motor Vehicle Report Release

RODS  Record of Duty Status: A driver’s daily log that reflects the hours of service (aka Logs)