



Idealease Safety Bulletin

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What is in the CAB of your Trucks?

When is the last time you looked inside the cab, body or trailer of the trucks that your drivers are operating?

Over the years of inspecting and looking inside of commercial motor vehicles for the companies I have worked for I have seen the following items inside trucks that present unique dangerous situations to the driver and unnecessary liability exposure to the company:

Armadillos, dogs, cats, snakes, a folding chair, television on the dash, milk crates, garbage, windows tinted beyond federal regulations, stuffed animals in the windshield, alcohol, drugs, firearms, radar detectors and unauthorized passengers.



Some of these items are strictly prohibited by the Federal Motor Carrier Safety Regulations and others are restricted by regulations. Regardless of the regulations each of these items should be addressed by your company safety policy and procedures manual to insure safe operations of your commercial motor vehicles.

Please review the following Federal Motor Carrier Safety Regulations with your drivers at it pertains to:

➤ **Items in the windshield, garbage and clutter inside the cab**

398.4 Driving of motor vehicles.

Interference with driver. No motor vehicle shall be driven when any object obscures his/her view ahead, or to the right or left sides, or to the rear, or interferes with the free movement of his/her arms or legs, or prevents his/her free and ready access to the accessories required for emergencies, or prevents the free and ready exit of any person from the cab or driver's compartment.

393.60

Prohibition on obstructions to the driver's field of view—(1) Devices mounted at the top of the windshield.

Antennas, transponders, and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield. These devices must be located outside the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals.

Decals and stickers mounted on the windshield. Commercial Vehicle Safety Alliance (CVSA) inspection decals, and stickers and/or decals required under Federal or State laws may be placed at the bottom or sides of the windshield provided such decals or stickers do not extend more than 115 mm (4½ inches) from the bottom of the windshield and are located outside the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs or signals.

➤ **Unauthorized Passengers**

392.60 Unauthorized persons not to be transported.

Unless specifically authorized in writing to do so by the motor carrier under whose authority the commercial motor vehicle is being operated, no driver shall transport any person or permit any person to be transported on any commercial motor vehicle other than a bus. When such authorization is issued, it shall state the name of the

person to be transported, the points where the transportation is to begin and end, and the date upon which such authority expires. No written authorization, however, shall be necessary for the transportation of:

- (1) Employees or other persons assigned to a commercial motor vehicle by a motor carrier;
- (2) Any person transported when aid is being rendered in case of an accident or other emergency

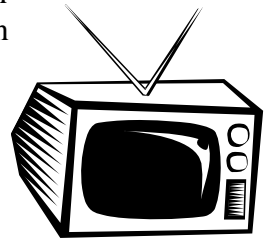
➤ **Tinting of Windows**

393.60 Glazing in specified openings

Coloring or tinting of windshields and the windows to the immediate right and left of the driver is allowed, provided the parallel luminous transmittance through the colored or tinted glazing is not less than 70 percent of the light at normal incidence in those portions of the windshield or windows which are marked as having a parallel luminous transmittance of not less than 70 percent. The transmittance restriction does not apply to other windows on the commercial motor vehicle.

➤ **Televisions**

393.88 Television receivers. Any motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast shall have the viewer or screen located in the motor vehicle at a point to the rear of the back of the driver's seat if such viewer or screen is in the same compartment as the driver and the viewer or screen shall be so located as not to be visible to the driver, while he/she is driving the motor vehicle. The operating controls for the television receiver shall be so located that the driver cannot operate them without leaving the driver's seat



➤ **Alcohol**

392.5 Alcohol prohibition.

Be on duty or operate a commercial motor vehicle while the driver possesses wine of not less than one-half of one per centum of alcohol by volume, beer as defined in 26 U.S.C. 5052(a), of the Internal Revenue Code of 1954, and distilled spirits as defined in section 5002(a)(8), of such Code. However, this does not apply to possession of wine, beer, or distilled spirits which are manifested and transported as part of a shipment.

➤ **Drugs and controlled substances**

392.4 Drugs and other substances.



(a) No driver shall be on duty and possess, be under the influence of, or use, any of the following drugs or other substances:

(a)(1) Any 21 CFR 1308.11 Schedule I substance;

(a)(2) An amphetamine or any formulation thereof (including, but not limited, to "pep pills," and "bennies");

(a)(3) A narcotic drug or any derivative thereof; or

(a)(4) Any other substance, to a degree which renders the driver incapable of safely operating a motor vehicle.

(b) No motor carrier shall require or permit a driver to violate paragraph (a) of this section.

(c) Paragraphs (a)(2), (3), and (4) do not apply to the possession or use of a substance administered to a driver by or under the instructions of a licensed medical practitioner, as defined in §382.107 of this subchapter, who has advised the driver that the substance will not affect the driver's ability to safely operate a motor vehicle.

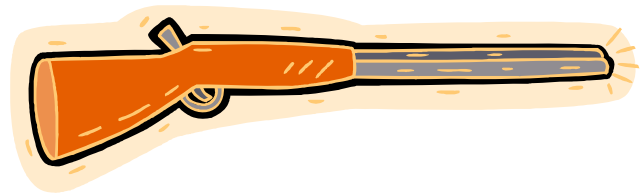
(d) As used in this section, "possession" does not include possession of a substance which is manifested and transported as part of a shipment.

➤ **Animals**

The Federal Motor Carrier Safety regulations do not specifically address animals inside of a commercial motor vehicle.

➤ **Firearms**

Firearms by federal regulation are not specifically regulated rather each state has laws regarding transportation of firearms in motor vehicles. Most states have a concealed weapon laws which make it illegal to transport a firearm concealed in any type of motor vehicle without a permit.



➤ **Radar Detectors**

392.71 Radar Detectors; use and/or possession.

(a) No driver shall use a radar detector in a commercial motor vehicle, or operate a commercial motor vehicle that is equipped with or contains any radar detector.

(b) No motor carrier shall require or permit a driver to violate paragraph (a) of this section.

FMCSA/PHMSA PUBLISH RULE LIMITING CELL PHONE USE BY CMV DRIVERS

The Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration published a new final rule prohibiting interstate truck drivers from using hand-held cell phones while operating their vehicles. 76 Federal Register 75470 (December 2, 2011). The rule becomes effective **January 3, 2012**.



The use of hands-free technology is still allowed under the new rule, however. Also, the rule does not prohibit the use of CB or two-way radios.

The final rule prohibits commercial drivers in interstate commerce from using a hand-held mobile telephone while operating a commercial truck. Drivers who violate the restriction will face federal civil penalties of up to **\$2,750** for each offense and disqualification from operating a commercial motor vehicle for multiple offenses. Additionally, for drivers in interstate or intrastate commerce, states will suspend a driver's commercial driver's license after two or more serious traffic violations.

In addition, intrastate CMV drivers would be subject to the disqualification regulations if their state or local laws have prohibitions against using hand-held mobile phone devices; all states must adopt such requirements within three years.