

FREE WEBINAR

# Is Your Fleet Audit Ready?

An in-depth breakdown of FMCSA compliance reviews and practical tips for surviving them.

📅 Apr 10 ⌚ 1pm ET 🌐 via Zoom webinar

*Presented by the team at Trucksafe Consulting as part of the Trucksafe Network*



## Agenda

In this session, we'll explore fleet compliance reviews, including:

- ✓ Review triggers
- ✓ Possible outcomes
- ✓ Regulatory factors reviewed
- ✓ Records requested
- ✓ Critical & acute violations
- ✓ Auditing methodology & best practices for conducting reviews



FLEET COMPLIANCE REVIEWS

## What prompts an audit?

- ✓ High CSA scores
- ✓ Serious accidents
- ✓ Driver complaints
  
- ✓ **Types of Audits:**
  - ✓ Comprehensive
  - ✓ Focused
  - ✓ On- or Off-Site
  - ✓ New Entrant Safety Audit



FLEET COMPLIANCE REVIEWS

## What prompts an audit?

**BASIC Status** (Motor Carrier View) ? How does SMS relate to crashes?

Behavior Analysis & Safety Improvement Categories (BASICS) [View CSA Prioritization Preview](#) Based on a 24-month record ending February 28, 2025

UNSAFE DRIVING	CRASH INDICATOR	HOURS-OF-SERVICE COMPLIANCE	VEHICLE MAINTENANCE	CONTROLLED SUBSTANCES AND ALCOHOL	HAZARDOUS MATERIALS COMPLIANCE	DRIVER FITNESS	INSURANCE AND OTHER

**On-Road Performance**

0.64 Measure	0.04 Measure	0.44 Measure	2.28 Measure	0.03 Measure	0 Measure	0.25 Measure	N/A
44% Percentile	23% Percentile	70% Percentile	35% Percentile	4% Percentile	No HM placardable vehicle inspections	84% Percentile	



FLEET COMPLIANCE REVIEWS

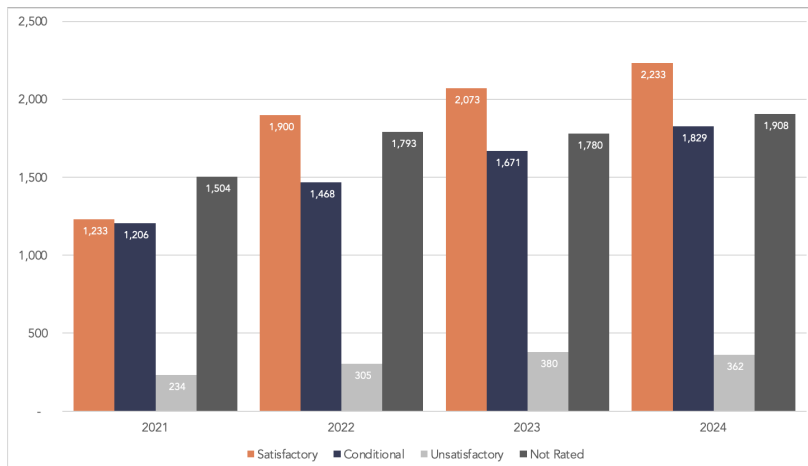
# Possible Outcomes

- ✓ Safety Fitness Determination (aka Safety Rating)
  - Satisfactory
  - Conditional
  - Unsatisfactory
- ✓ Civil Penalties
- ✓ Lost Business
- ✓ Increased insurance premiums
- ✓ Heightened highway accident exposure

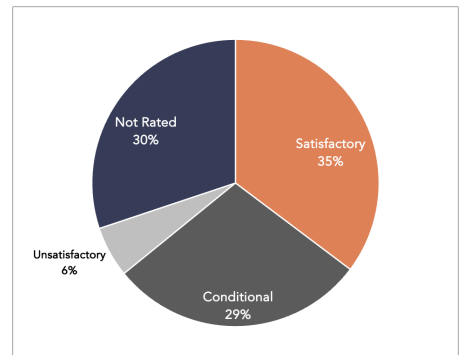


FLEET COMPLIANCE REVIEWS

# Possible Outcomes



Safety Ratings By Type (2021-2024)



Safety Rating % Breakdown (2024)



FLEET COMPLIANCE REVIEWS

## What factors does the agency review?

- ✓ Safety Rating Methodology (49 CFR Part 385, App. B)
- ✓ eFOTM
- ✓ **Factors:**
  - General Compliance
  - Driver
  - HOS
  - Vehicle Maintenance
  - Hazmat
  - Accident Rate



FLEET COMPLIANCE REVIEWS

## What factors does the agency review?

- ✓ Rating of Satisfactory, Conditional, or Unsatisfactory issued in each reviewed factor
- ✓ Factor ratings based on number of critical/acute violations discovered
  - Each critical/acute violation = 1 point
  - HOS = double weighted
- ✓ Overall safety rating based on formula:

Factor Rating		Overall Rating
Unsatisfactory	Conditional	
0	2 or Fewer	Satisfactory
0	More than 2	Conditional
1	2 or Fewer	Conditional
1	More than 2	Unsatisfactory
2 or More	0 or More	Unsatisfactory



## FLEET COMPLIANCE REVIEWS

# Required Records

- ✓ General
  - ✓ MCS-90
  - ✓ 3-year accident register & police reports
  - ✓ Driver & vehicle lists
- ✓ Driver Qualification
  - ✓ Applications
  - ✓ Licenses
  - ✓ MVRs
  - ✓ Road tests/equivalent
  - ✓ Employment verifications
  - ✓ Med cards & registry verifications
  - ✓ Annual Reviews



## FLEET COMPLIANCE REVIEWS

# Required Records

- ✓ HOS
  - ✓ RODS/time cards (6 months)
  - ✓ Support documents
  - ✓ ELD reports
- ✓ Drug/Alcohol
  - ✓ Policy
  - ✓ MIS Report
  - ✓ Pre-employment drug test results
  - ✓ Positive test results (past 5 years)
  - ✓ Random roster, selections & results
  - ✓ Post-accident testing documentation
  - ✓ Reasonable suspicion
  - ✓ Follow-up/RTD testing
  - ✓ Clearinghouse queries (pre-employment and annual)



## FLEET COMPLIANCE REVIEWS

# Required Records

- ✓ Vehicle Maintenance
  - ✓ Identifying information (year, make, model, unit #, VIN, tire size, GVWR)
  - ✓ Current & last annual inspection report
  - ✓ PM records
  - ✓ DVIRs
  - ✓ Roadside inspection reports & records of repair
- ✓ Hazmat
  - ✓ Shipping papers
  - ✓ Training
  - ✓ Security plan (if applicable)
  - ✓ Special permits



## FLEET COMPLIANCE REVIEWS

# Critical & acute violations

- ✓ Listed in App. B to Part 385
- ✓ Acute
  - Only takes one to negatively impact safety rating
- ✓ Critical
  - Takes a "pattern of non-compliance" to impact rating
  - 10% or higher violation rate



## FLEET COMPLIANCE REVIEWS

# Top Acute Violations

Data from FMCSA's A&I website\* reveals the top acute violations discovered in compliance reviews 2024

1. 383.37A (acute) - Allowing driver to drive with suspended, revoked, etc. CDL
2. 382.115A (acute) - Failing to implement an alcohol and/or drug testing program
3. 382.215 (acute) - Using a driver who has tested positive for a drug



## FLEET COMPLIANCE REVIEWS

# Top Critical Violations

Data from FMCSA's A&I website\* reveals the top critical violations discovered in compliance reviews 2024

1. 392.2 (critical) - Violation of local laws (e.g., speeding)
2. 395.8E1 (critical) - False records of duty status
3. 395.8A1 (critical) - Not using the appropriate method to record HOS
4. 382.301A (critical) - Using a driver before receiving a pre-employment drug test result
5. 391.51B2 (critical) - Inquiries into driving record not kept in DQ file



FLEET COMPLIANCE REVIEWS

## Options

- ✓ Downgraded safety rating
  - Administrative appeal (49 CFR 385.15)
  - Safety Management Plan (49 CFR 385.17)
- ✓ Civil penalties
  - Pay
  - Negotiate settlement



# Questions?



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