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Medical card/ CDL merger rule

The so-called "medical card/CDL merger" rule, as published on December 1, 2008, will ultimately result in a variety of changes to the medical qualification and commercial driver's licensing process.

The final rule from the Federal Motor Carrier Safety Administration (FMCSA) will require the states, within three years, to begin placing each interstate driver's medical qualification status into the national commercial driver's license (CDL) database. In practical terms, this means that:

- An interstate commercial motor vehicle (CMV) driver who is required to hold a CDL will have to provide each of his/her medical certificates (wallet cards) to the state that issued the CDL, rather than to the employer;
- The state will have

to make sure the driver is medically qualified before issuing or renewing the CDL, and will have to add the driver's medical qualification status to the driver's driving record;

- Employers will have to obtain each applicant's driving record to verify that he/she is medically qualified; and
- Because drivers' medical qualification status will be instantly accessible to enforcement officers, many drivers will no longer need to carry their medical cards with them in the truck or bus.

The rule took effect on January 30, 2009, though its impact will not be felt for several years, depending on how long it takes the states to implement it.

Between January 30, 2012, and January 30,

2014, all interstate drivers who hold a CDL and are required to hold a medical card must begin providing their medical cards to their state driver licensing agencies. States may determine how those cards are to be delivered (e.g., in person, mail, fax, e-mail), whether copies will be allowed, and whether a fee will be charged for medical card processing.

The rule will affect neither the frequency with which medical cards must be obtained nor the frequency with which CDLs must be renewed.

Beginning January 30, 2012, for interstate CDL drivers, motor carriers will no longer be required to keep a copy of each driver's medical card in the qualification file.

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However, to verify a driver's medical qualification status, employers will instead have to obtain a copy of the driver's motor vehicle record (MVR) before allowing the driver to drive a CMV in interstate commerce. Under prior rules, motor carriers had 30 days from hire to obtain the MVR.

Medical examiners and state licensing agencies will be required to keep a copy of each driver's medical card for three years.

Employers will also have to continue maintaining medical cards for any drivers not subject to the rule, including non-CDL drivers.

The final rule only applies to interstate CDL holders and their motor carrier employers, but states are expected to adopt similar rules in order to continue receiving federal highway funds.

Now in effect

Though most of the changes brought about by the rule will

not appear until 2012, there is one amendment that took effect immediately. Under [§391.43\(g\)](#), the medical examiner is no longer required to provide a copy of the medical examiner's certificate to the employing motor carrier. Rather, the rule says the examiner "may" provide a copy to any current or prospective employing motor carrier who requests it.

Four categories

The rule distinguishes between four types of drivers, and each CDL driver will be expected to notify his or her state licensing agency — by January 30, 2014 — of the type of driver he or she is or expects to be, as follows:

- Non-excepted interstate — operates in interstate commerce, is qualified under Part 391, and is required to obtain a medical card.

- Excepted interstate — operates in interstate commerce but is exempt from having to obtain a medical card under Part 391.
- Non-excepted intrastate — operates only in intrastate commerce and is subject to state qualification rules.
- Excepted intrastate — operates in intrastate commerce but is exempt from state qualification rules.

All "non-excepted interstate" drivers will have to provide the state with a current medical card and all future cards.

If a driver's medical card or medical variance expires, the licensing state must remove the driver's interstate CMV driving privileges within 60 days. The states will not be required to notify drivers of their medical card expiration dates.

BRITISH COLUMBIA DRIVERS' TOP 10 EXCUSES FOR USING A CELL PHONE BEHIND THE WHEEL

Excuses, excuses. That's what police across the province heard last month from B.C. drivers who were caught using a hand-held device while driving. During the month-long crackdown in September on distracted driving, police estimate they issued more than 3,500 tickets to drivers for using an electronic device behind the wheel.

Drivers need to honestly examine their own driving behaviors and recognize when they are distracted — multi-tasking behind the wheel is driving distracted. A recent Ipsos Reid survey conducted on behalf of ICBC revealed that over 50%

of respondents reported that they see other drivers violating the restrictions on using hand-held devices "several times a day", yet only about 16 per cent admitted doing the same while driving in the past 12 months.

"It's evident that there are still a lot of drivers who don't realize that distracted driving can have tragic consequences," said Shirley Bond, Minister of Public Safety and Solicitor General. "Every time we get behind the wheel, we have peoples' lives in our hands — whether they're the lives of our passengers, other drivers, cyclists or pedestrians. We need to stop making excuses and adopt new driving habits."

"We need to ask ourselves how we can all be part of making our roads safer," said Fiona Temple, director of road safety at ICBC. "It comes down to understanding the dangers of driving distracted, being honest about our own driving behaviors and taking steps to prevent being distracted behind the wheel."

"The excuses I've heard are incredible," said Chief Jamie Graham, Victoria Police and Traffic Safety Committee Chair of the B.C. Association of Chiefs of Police. "One distracted driver even tried to tell

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me that he wasn't on the phone – he was just listening. The reality is that there is no valid excuse because distracted driving is entirely preventable.”

Here are the top excuses that police heard from drivers who were caught using a hand-held device while driving:

1. This is a bogus law. This is the attitude that needs to change. Distracted driving can have serious and often tragic consequences. In B.C., about 25 per cent of all deaths in fatal crashes are related to distracted driving. These deaths are preventable, which is why this law was brought in and why police are out there enforcing it – to help make our roads safer.

2. It was my boss on the phone – I had to answer it. In B.C., crashes are the number-one cause of traumatic work-related deaths, according to WorkSafeBC statistics. On average, approximately 30 workers in B.C. are killed each year while driving. Your boss should be relieved that you were not only obeying the law, but reducing the risk of injuring or killing yourself and others while on the job.

3. I wasn't using it – I just like to hold it. Some even use the excuse that they were holding their garage door opener or hairbrush. The reality is that driving is a complex task that requires our full attention. Anything – whether it is a garage door opener or a hairbrush – that takes your attention from the road is a distraction and can impact your ability to react to the unexpected.

4. Sorry officer, I didn't see you trying to pull me over because I was on my phone. If you don't notice a police car try-

ing to pull you over, how would you notice nearby pedestrians and cyclists? Studies show that drivers who are talking on a cell phone lose about 50 per cent of what is going on around them, visually, while driving and are four times more likely to get in a crash. No call or text message is worth putting yourself and others at risk – let your calls go to voicemail and you don't need to respond to text messages right away, or better yet, turn the cell phone off to avoid the temptation.

5. But it was an emergency call to my wedding planner! A real emergency would be if your vehicle flipped over in a ditch because you were distracted at the wheel by your phone. While the law exempts drivers needing to call 9-1-1 to reach the police, fire department or ambulance service about an emergency, it does not apply to personal situations – it has to be a real emergency situation.



6. My Bluetooth died. If your Bluetooth dies, pull over, change your voicemail to let callers know you're on the road and you'll return their call when

it's safe to do so. Enjoy your drive and let voicemail to do its job. Help create a culture where people don't expect you to pick up the phone right away and don't call others when you know they are behind the wheel.

7. Driver: I'm using my speakerphone. Police officer: No, you're holding your

phone in one hand and steering with the other. Hands-free doesn't equal speakerphone. If you must take a call, use a hands-free electronic device and keep the conversation brief. Remember – a hands-free electronic device must be securely fixed to the vehicle or worn properly on the body (ear piece).

8. I'm not driving; I was stopped at a red light. This misconception needs to end right now: the law applies even when you're stopped at a light or in bumper-to-bumper traffic.

9. I wasn't talking, I was checking my messages. Under the law, drivers can't use hand-held electronics while driving – that includes checking voice mail, making music selections or looking up phone numbers. Let calls go to voicemail and call back later when it's safe to do so. Better yet, turn off your cell phone and put it in the trunk or back seat to avoid the temptation.

10. I was just checking the time. There are no excuses for preventable tragedies. Imagine saying this to the emergency personnel and loved ones of someone seriously injured because of your carelessness.

If you find yourself trying to come up with similar excuses in case you're stopped, think instead about the influence your smart driving decisions can have on others. You can help create a culture where your friends, family and colleagues don't expect you to answer a call or text message right away.

For more road safety tips, visit icbc.com. To find tips on how to use a cell phone safely, and to see the new preventable.ca TV ad on distracted driving, go to drivecellsafe.ca

NUMBER OF DEER-VEHICLE COLLISIONS FALLS SEVEN PERCENT

State Farm Insurance reports that for the third consecutive year, the number of deer-vehicle collisions in the United States has dropped. Using claims data, State Farm estimates 1.09 million collisions between deer and

vehicles occurred nationwide between July 1, 2010, and June 30, 2011, which is nine percent less than three years ago and seven percent fewer than one year ago. Among those states in which at least

2,000 deer-vehicle collisions occur per year, Vermont (24 percent), Michigan (23 percent), West Virginia (22 percent), and Connecticut (22 percent) experienced the largest one-year percentage declines.

AUTUMN DRIVING CHALLENGES

Fall is a beautiful season. Bright sunshine, pleasant temperatures, crisp air and brilliant foliage highlight any travel experience. School field trips and sports activities, scenic day trips and early preparations for the oncoming holiday season will increase traffic on every type of roadway in America. Ominously, however, U.S. Department of Transportation statistics show a marked increase in the number of vehicle accidents throughout the autumn season, and drivers should prepare for the unique driving challenges this time of year brings.

Animals Are Everywhere!

According to the National Highway Traffic Safety Administration (NHTSA) October, November and December are the most dangerous months for vehicle crashes with animals, the majority of which involve deer. Because this is mating season for deer, the roaming herds seem oblivious to traffic as they cross roads and highways in search of romance. They are also on the move to find food and shelter for the upcoming winter. The most active and most dangerous times for animal activity are during the early morning and early evening



hours. NHTSA estimates that more than 1.5 million collisions occur between deer and motor vehicles every year nationwide, resulting in a human toll of 200 deaths and tens of thousands of injuries. You can help protect yourself by paying attention to deer crossing signs – they are there for a reason. Remember that if you see one animal, there are usually more because deer travel in small herds. Slow down and stay

alert; continually scan for deer; use your high beams when it's safe to do so; honk your horn and flash your headlights to

help scare the animal off; and never try to move an injured animal. If you do strike a deer, call the police, move off the roadway and stay in your vehicle until help arrives.

Driving Blind

At this time of year, early morning and late afternoon glare can play optical tricks, even on the most careful drivers. The problem is at its worst the first hour after sunrise and the last hour before sunset when the sun is low in

the sky and can literally blind you. Slow down and increase your following distance; wear quality sunglasses and lower your visor; and have your headlights on to help make your vehicle more visible to others.

Take Pre-Trip Precautions

Decreasing daylight, cooler temperatures, falling leaves and slippery roads are additional fall season driving challenges, so prepare your vehicle with a thorough pre-trip inspection. Don't forget to keep tires properly inflated; make sure all lights and signals are working; keep mirrors and windows clean and streak-free inside and out; keep your windshield wiper blades clean and the washer fluid full; and check brakes for proper working condition. Be alert to weather conditions before you leave as slippery road conditions can develop quickly and the first few minutes of rainfall on dry pavement are particularly dangerous. Oil, dust, dirt and other debris collect on the roadways and when mixed with moisture, the roads can become as slick as ice.