



LAMPTON-LOVE, INC.

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Date: January 4, 2017
To: All Branch Managers
From: Gene Maddox *gmm*
Safety Director
Subject: Branch Office Monthly Safety Meeting – January 2017

Company policy requires that each branch office hold a minimum of one safety meeting each month with the documentation of the material covered and the attendance being recorded on the "Monthly Safety Meeting Minutes and Attendance Record" (see attached form). **Please detach the Monthly Safety Meeting Minutes and Attendance Record, fill it out and e-mail or fax a copy to Lynn Eldridge. Please keep the original for your records.**

NOTE: ONLY the Monthly Safety Meeting Minutes and Attendance Records is to be sent in.

To assist you in complying with this requirement, the following subjects are for your Monthly Safety Meeting, for the month of January 2017. You may add topics, but please document the following topics:

1. News Briefs!!! (Distracted Driving; Company Policy and DOT Requirements {FMCSR})
2. Safety Meeting: (Hours of Service – 100 Air-mile Radius Driver)

It is recommended that you thoroughly read this material prior to your meeting.

It is strongly recommended that you use the 3-ring binder to store the last 12 months of the Safety Meeting Minutes and Attendance Record Form!!! This material should be referred to or used to train new employees from the website. This manual should be kept in an area of the office that is easily accessible to all employees.

Be Smart...Be Safe and Be Courteous!!!



PROPANE
EXCEPTIONAL ENERGY

NEWS BRIEFS!!!

(This monthly “column” will include short newsworthy topics,
which will serve as a friendly reminder to us all)

Company Policy and DOT Requirements {FMCSR}

This month’s News Briefs deal with “Mobile Device and Distracted Driving Safety Policy”. This information directly affects any employee that **drives a company vehicle**. The information that follows is taken from the Policy & Procedures Manual, Document A20, Pages 1-5.

The Federal Motor Carrier Safety Regulations (FMCSR), beginning with Part 383.51 through Part 392.82, as highlighted, are for **DOT drivers only**.

After reviewing Document A20 **and** the references from FMCSR, please have each of the employees sign and date Page 5 and return along with the signed Monthly Safety Meeting Minutes & Attendance Record.

**ERGON**

Manual ID: Ergon, Inc. Quality Management Systems Manual
Issue Date: December 21, 2012

Document #: A20 Page 1 of 5

Document #: EQS-PO-011.00
Revision Date:

Mobile Device and Distracted Driving Safety Policy

Each employee should read the Mobile Device and Distracted Driving Safety Policy, sign, and return a copy of the acknowledgement page to Corporate Risk Management.

Purpose

Motor vehicle crashes are among the top two causes of accidental death throughout a person's lifetime. They also are the No. 1 cause of work-related death, according to U. S. Department of Labor statistics. In recent years, distracted driving has joined alcohol and speeding as a leading factor in fatal and serious injury crashes.

Ergon cautions all employees to recognize the necessity of giving full attention to the task of driving and to avoid any distracting activity while driving. Among those distracting activities is the use of mobile devices. The purpose of this Policy is to set forth expectations regarding the use of mobile devices and distracted driving safety for any employee of Ergon, Inc., or its subsidiaries who operates any vehicle on company business.

Scope:

This Policy applies to all employees of Ergon, Inc., and its subsidiaries.

Effective Date:

This policy shall be effective January 1, 2013.

Definitions:

"Driving" means operating a Vehicle any time other than when legally parked.

"Driving Distractions" means any activity that would reasonably be expected to distract a driver's attention away from driving and safely operating a motor vehicle. Driving Distractions may include, depending on the circumstances, actions as simple as reaching for objects, eating or drinking, if doing so would tend to distract the driver's attention.

"Mobile Devices" include all smartphones; other mobile/cellular phones; tablet computers (iPads, Microsoft Surface, etc.); e-readers; portable media devices; PDAs; portable gaming devices; ultra-mobile PCs (UMPCs); and laptop/notebook computers.



Mobile Device and Distracted Driving Safety Policy

"Prohibited Mobile Device Use" means the use of any Mobile Device for writing, sending, or reading any text-based communication while Driving a Vehicle. This includes, but is not limited to, all texting, e-mail access, and internet access.

"Vehicle" means (a) any motor vehicle owned, rented or leased by Ergon, Inc., or one of its affiliated companies; or (b), any motor vehicle owned, rented or leased by an employee to the extent employee is conducting company business while Driving. Receiving or making business-related calls, texts, e-mails, or other communication is considered conducting company business.

Policy

No employee shall use any Mobile Device for writing, sending, or reading any text-based communication while Driving a Vehicle. This includes, but is not limited to, all texting, e-mail access, and internet access ("Prohibited Mobile Device Use").

Employees must adhere to all federal, state, and local laws, rules, and regulations concerning the use of any Mobile Device while driving. Each employee is responsible for knowing the state and local laws wherever he or she may drive. In the event that an employee does not know the state and local laws, it is best practice for an employee to refrain from use of his or her Mobile Device. Information regarding applicable law can be found at the following website:

http://www.ghsa.org/html/stateinfo/laws/cellphone_laws.html.

The best practice is to avoid use of a Mobile Device while Driving a Vehicle except in the event of an emergency or if it is not safe to pull off the road. **If a Mobile Device is used for purposes other than any "Prohibited Mobile Device Use," the use of a hands-free Mobile Device is strongly encouraged.** If a Vehicle is not equipped for hands-free use of a Mobile Device, an employee may request adaptive equipment for his/her company-owned Mobile Device from the Business Support Center.

Even with hands-free functionality, use of a Mobile Device while Driving can cause unnecessary distractions and pose a safety risk, and all employees should exercise caution and good judgment with regard to any such use.

Employees who use a Mobile Device are expected to adhere to the following policy guidelines:



Mobile Device and Distracted Driving Safety Policy

Policy Guidelines for Safe Driving:

1. Obey all traffic signs and signals and stay within the speed limits. Driving is your priority. Your greatest responsibility is the safety of other drivers, pedestrians, and passengers.
2. Make every effort to avoid Driving Distractions. Never take notes while Driving. If you must take or make a call and such call is distracting or reading or writing is required, you should locate a safe place to legally park.
3. Exercise extreme caution in the use of Mobile Devices while Driving.
4. Use GPS directional units or other navigational devices only if the device is set before you begin Driving. The device should not be altered while Driving.
5. Be knowledgeable of and know how to use the features of all Mobile Devices.
6. Where possible, configure Mobile Devices so dialing or answering a call is voice-activated or limited to pressing a single button.
7. Make every effort to position a Mobile Device so you can access it without reaching, stretching, bending over, or maneuvering out of a seated driving position while properly restrained by a seat belt.
8. If you participate in a call while Driving, tell the person with whom you are speaking that you are driving and may have to end the conversation abruptly.
9. Stop the conversation during hazardous driving conditions, including high pedestrian traffic, congested traffic, or severe weather conditions.
10. Avoid or limit stressful or emotional conversations.
11. Make every effort to keep any necessary conversations brief.
12. Refrain from placing or receiving unnecessary calls. Allow voice mail to handle your calls and return calls when it is safe and convenient.



Mobile Device and Distracted Driving Safety Policy

13. Use good judgment in the use of Mobile Devices while Driving. Factors to consider are your personal driving skill and experience level and how familiar you are with the Vehicle and with the area. Actively compensate for potential distractions by moving to slower travel lanes, increasing your following distance, and frequently checking your mirrors to assess the immediate driving situations.
14. Be aware that pulling to the side of a highway may not be allowed under applicable laws. Due to possible illegality and/or added danger while pulling off or pulling back on to the highway, employees are encouraged to locate a rest area, designated parking area, or other safe location to operate a Mobile Device.

Enforcement:

Adherence to Ergon's Mobile Device and Distracted Driving Safety Policy is the responsibility of each and every employee. An employee-passenger has the right to request an employee-driver to obey the Policy. Not only managers, but all employees are individually responsible for setting a personal example in the use of Mobile Devices while Driving. In the event of a motor vehicle accident, Ergon will review Mobile Device usage records to determine if the employee was using a Mobile Device at the time of the accident.

Disciplinary Action:

Violations of Ergon's Distracted Driving Policy may result in disciplinary action at the discretion of management and will be handled in accordance with the Progressive Corrective Action Policy set out in the Ergon Employee Handbook. Second Level Warning and Final Warning disciplinary actions may include, but not be limited to, surrender of any company-owned and issued Mobile Devices or forfeiture of driving privileges. As the final step in the Progressive Corrective Action process or in the event of a serious violation, disciplinary action may include termination of employment.



ERGON

Manual ID: Ergon, Inc. Quality Management Systems Manual
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Mobile Device and Distracted Driving Safety Policy

ACKNOWLEDGEMENT: BY SIGNING BELOW, YOU ACKNOWLEDGE RECEIPT OF THIS NOTICE, THAT YOU UNDERSTAND THE POLICY SET FORTH HEREIN, AND THAT YOU AGREE TO COMPLY WITH THIS POLICY AND ANY AND ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS, RULES, REGULATIONS, AND ORDINANCES REGARDING USE OF MOBILE DEVICES WHILE OPERATING A VEHICLE ON ERGON COMPANY BUSINESS. YOU FURTHER UNDERSTAND AND AGREE THAT FAILURE TO COMPLY WITH SUCH APPLICABLE PROHIBITIONS OR LIMITATIONS MAY RESULT IN DISCIPLINE, INCLUDING, BUT NOT LIMITED TO, TERMINATION OF EMPLOYMENT.

Employee Name (Printed)

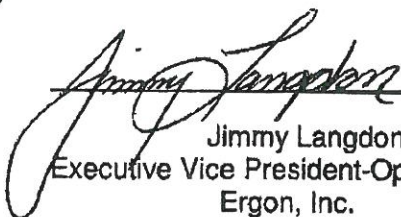
Signature

Date

Affected Areas

All ERGON Companies

Authority



Jimmy Langdon
Executive Vice President-Operations
Ergon, Inc.

Table 1 to §383.51, Continued

(8) Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.	1 year	Not applicable	3 years	Life	Not applicable
(9) Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance.	Life-not eligible for 10-year reinstatement.	Life-not eligible for 10-year reinstatement.	Life-not eligible for 10-year reinstatement.	Life-not eligible for 10-year reinstatement.	Life-not eligible for 10-year reinstatement.

(c) **Disqualification for serious traffic violations.** Table 2 to §383.51 contains a list of the offenses and the periods for which a person who is

required to have a CLP or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

Table 2 to §383.51

If the driver operates a motor vehicle and is convicted of:	For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for	For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV driving privileges, for	For a third or subsequent conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for	For a third or subsequent conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV driving privileges, for
(1) Speeding excessively, involving any speed of 24.1 kmph (15 mph) or more above the regulated or posted speed limit.	60 days	60 days	120 days	120 days
(2) Driving recklessly, as defined by State or local law or regulation, including but, not limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property.	60 days	60 days	120 days	120 days
(3) Making improper or erratic traffic lane changes.	60 days	60 days	120 days	120 days
(4) Following the vehicle ahead too closely.	60 days	60 days	120 days	120 days
(5) Violating State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident.	60 days	60 days	120 days	120 days
(6) Driving a CMV without obtaining a CLP or CDL.	60 days	Not applicable	120 days	Not applicable
(7) Driving a CMV without a CLP or CDL in the driver's possession ¹ .	60 days	Not applicable	120 days	Not applicable
(8) Driving a CMV without the proper class of CLP or CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.	60 days	Not applicable	120 days	Not applicable
(9) Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a CMV. ²	60 days	Not applicable	120 days	Not applicable.
(10) Violating a State or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a CMV. ²	60 days	Not applicable	120 days	Not applicable.

¹Any individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CLP or CDL on the date the citation was issued, shall not be guilty of this offense.

²Driving, for the purpose of this disqualification, means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

loss of his/her privilege to operate a commercial motor vehicle on public highways, either temporarily or permanently, by reason of the revocation, suspension, withdrawal, or denial of an operator's license, permit, or privilege, until that operator's license, permit, or privilege is restored by the authority that revoked, suspended, withdrew, or denied it.

(2) A driver who receives a notice that his/her license, permit, or privilege to operate a commercial motor vehicle has been revoked, suspended, or withdrawn shall notify the motor carrier that employs him/her of the contents of the notice before the end of the business day following the day the driver received it.

(c) Disqualification for criminal and other offenses.

(1) **General rule.** A driver who is convicted of (or forfeits bond or collateral upon a charge of) a disqualifying offense specified in paragraph (c)(2) of this section is disqualified for the period of time specified in paragraph (c)(3) of this section, if—

(i) The offense was committed during on-duty time as defined in §395.2 of this subchapter or as otherwise specified; and

(ii) The driver is employed by a motor carrier or is engaged in activities that are in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

(2) **Disqualifying offenses.** The following offenses are disqualifying offenses:

(i) Driving a commercial motor vehicle while under the influence of alcohol. This shall include:

(A) Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more;

(B) Driving under the influence of alcohol, as prescribed by State law; or

(C) Refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of §391.15(c)(2)(i)(A) or (B), or §392.5(a)(2).

(ii) Driving a commercial motor vehicle under the influence of a 21 CFR 1308.11 *Schedule I* identified controlled substance, an amphetamine, a narcotic drug, a formulation of an amphetamine or a derivative of a narcotic drug;

(iii) Transportation, possession, or unlawful use of a 21 CFR 1308.11 *Schedule I* identified controlled substance, amphetamines, narcotic drugs, formulations of an amphetamine, or derivatives of narcotic drugs while the driver is on duty as the term on-duty time is defined in §395.2 of this subchapter;

(iv) Leaving the scene of an accident while operating a commercial motor vehicle; or

(v) A felony involving the use of a commercial motor vehicle.

(3) **Duration of disqualification—(i) First offenders.** A driver is disqualified for 1 year after the date of conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, the driver was not convicted of, or did not forfeit bond or collateral upon a charge of an offense that would disqualify the driver under the rules of this section. **Exemption.** The period of disqualification is 6 months if the conviction or forfeiture of bond or collateral solely concerned the trans-

portation or possession of substances named in paragraph (c)(2)(iii) of this section.

(ii) **Subsequent offenders.** A driver is disqualified for 3 years after the date of his/her conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he/she was convicted of, or forfeited bond or collateral upon a charge of, an offense that would disqualify him/her under the rules in this section.

(d) Disqualification for violation of out-of-service orders.

(1) **General rule.** A driver who is convicted of violating an out-of-service order is disqualified for the period of time specified in paragraph (d)(2) of this section.

(2) **Duration of disqualification** for violation of out-of-service orders.

(i) **First violation.** A driver is disqualified for not less than 90 days nor more than one year if the driver is convicted of a first violation of an out-of-service order.

(ii) **Second violation.** A driver is disqualified for not less than one year nor more than five years if, during any 10-year period, the driver is convicted of two violations of out-of-service orders in separate incidents.

(iii) **Third or subsequent violation.** A driver is disqualified for not less than three years nor more than five years if, during any 10-year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents.

(iv) **Special rule for hazardous materials and passenger offenses.** A driver is disqualified for a period of not less than 180 days nor more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. 5101 *et seq.*), or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than three years nor more than five years if, during any 10-year period, the driver is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver.

(e) Disqualification for violation of prohibition of texting while driving a commercial motor vehicle—

(1) **General rule.** A driver who is convicted of violating the prohibition of texting in §392.80(a) of this chapter is disqualified for the period of time specified in paragraph (e)(2) of this section.

(2) **Duration.** Disqualification for violation of prohibition of texting while driving a commercial motor vehicle—

(i) **Second violation.** A driver is disqualified for 60 days if the driver is convicted of two violations of §392.80(a) of this chapter in separate incidents during any 3-year period.

(ii) **Third or subsequent violation.** A driver is disqualified for 120 days if the driver is convicted of three or more violations of §392.80(a) of this chapter in separate incidents during any 3-year period.

(f) Disqualification for violation of a restriction on using a hand-held mobile telephone while driving a commercial motor vehicle—

(1) **General rule.** A driver who is convicted of violating the restriction on using a hand-held mobile telephone in §392.82(a) of this chapter is disqualified from driving a commercial motor vehicle for the period of time specified in paragraph (f)(2) of this section.

(2) **Duration.** Disqualification for violation of a restriction on using a hand-held mobile telephone while driving a commercial motor vehicle—

(i) **Second violation.** A driver is disqualified for 60 days if the driver is convicted of two violations of §392.82(a) of this chapter in separate incidents committed during any 3-year period.

(ii) **Third or subsequent violation.** A driver is disqualified for 120 days if the driver is convicted of three or more violations of §392.82(a) of this chapter in separate incidents committed during any 3-year period.

[37 FR 24902, Nov. 23, 1972, as amended at 49 FR 44215, Nov. 5, 1984; 51 FR 8200, Mar. 10, 1986; 53 FR 18057, May 19, 1988; 53 FR 39051, Oct. 4, 1988; 54 FR 40788, Oct. 3, 1989; 59 FR 26028, May 18, 1994; 60 FR 38744, 38745, July 28, 1995; 63 FR 33277, June 18, 1998; 75 FR 59136, Sept. 27, 2010; 76 FR 75487, Dec. 2, 2011; 77 FR 1891, Jan. 12, 2012; 78 FR 58483, Sept. 24, 2013; 80 FR 59074, Oct. 1, 2015]

DOT Interpretations—§391.15

Question 1: May a driver convicted of a disqualifying offense be “disqualified” by a motor carrier?

Guidance: No. Motor carriers have no authority to disqualify drivers. However, a conviction for a disqualifying offense automatically disqualifies a driver from driving for the period specified in the regulations. Thus, so long as a motor carrier knows, or should have known, of a driver’s conviction for a disqualifying offense, it is prohibited from using the driver during the disqualification period.

Question 2: Is a decision of probation before judgment sufficient for disqualification?

Guidance: Yes, provided the State process includes a finding of guilt.

Question 3: Is a driver holding a valid driver’s license from his or her home State but whose privilege to drive in another State has been suspended or revoked, disqualified from driving by §391.15(b)?

Guidance: Yes, the driver would be disqualified from interstate operations until his privileges are restored by the authority that suspended or revoked them, provided the suspension resulted from a driving violation. It is immaterial that he holds a valid license from another State. All licensing actions should be accomplished through the CDLIS or the controlling interstate compact.

Question 4: What are the differences between the disqualification provisions listed in §383.51 and 383.5 and those listed in §391.15?

Guidance: Part 383 disqualifications are applicable generally to drivers who drive CMVs above 26,000 pounds GVWR, regardless of where the CMV is driven in the U.S. Part 391 disqualifications are applicable generally to drivers who drive CMVs above 10,000 pounds GVWR, only when the vehicle is used in interstate commerce in a State, including the District of Columbia.

Question 5: Do the disqualification provisions of §391.15 apply to offenses committed by a driver who is using a company vehicle for personal reasons while off-duty?

Guidance: No. For example, an owner-operator using his own vehicle in an off-duty status, or a driver using a company truck, or tractor for transportation to a motel, restaurant or home, would be outside the scope of this section if he returns to the same terminal from which he went off-duty (see §383.51 for additional information).

Question 6: If a driver has his/her privileges to drive a pleasure vehicle revoked or suspended by State authorities, but his/her privileges to operate a CMV are left intact, would the driver be disqualified under the terms set forth in §391.15?

Guidance: No. The driver would not be disqualified from operating a CMV.

Question 7: If a driver is convicted of one of the specified offenses in §391.15(c), but is allowed to retain his driver’s license, is he/she still disqualified?

Guidance: Yes. A driver who is convicted of one of the specified offenses in §391.15(c), or has forfeited bond in collateral on account of one of these offenses, and who is allowed to retain his/her driver’s license, is still disqualified. The loss of a driver’s license and convictions of certain offenses in §391.15(c) are entirely separate grounds for disqualification.

Question 8: If a driver has his/her license suspended for driving while under the influence of alcohol, and 2 months later, as a result of this same incident, the driver is convicted of a DWI, must the periods of disqualification be combined since these are both disqualifying offenses?

Guidance: No. Disqualification during the suspension of an operating license continues until the license is restored by the jurisdiction that suspended it. Disqualification for conviction of DWI is for a fixed term. The fact that the driver was already disqualified for driving under the influence of alcohol because of the suspension action may mean that the total time under disqualification for the DWI conviction may exceed the stated term.

Question 9: If a driver commits a felony while operating a CMV but not in the employ of a motor carrier, is the offense disqualifying?

Guidance: No. There are 2 conditions required to be present for a felony conviction to be a disqualifying offense under §391.15(1): The offense was committed during on-duty time; and (2) the driver was employed by a motor carrier or was engaged in activities that were in furtherance of a commercial enterprise. However, neither of these conditions is a prerequisite for a disqualifying offense under §383.51.

***Question 10:** Is a driver who possesses a valid commercial driver’s license (CDL) issued by their State of residence, but who is suspended by another State for reasons unrelated to the violation of a motor vehicle traffic control law, disqualified from operating a commercial motor vehicle (CMV) in accordance with provisions of the Federal Motor Carrier Safety Regulations?

Guidance: Yes. Currently, both section 383.5, which defines the term disqualification as it applies to drivers required to have a CDL, and section 391.15, which applies to other CMV drivers subject to Federal Motor Carrier Safety Regulations, include the suspension of a person’s license or privilege to drive as an action requiring that person to be disqualified from operating a CMV. Neither of these regulatory provisions limit such suspensions to those imposed by the State where the driver is licensed, nor do these regulations specify the grounds upon which a suspension must be based.

Be advised, however, that the Federal Motor Carrier Safety Administration has proposed in 66 FR 22499, Docket No. FMCSA-00-7382, published May 4, 2001, to limit the basis of the suspension to those resulting from a driving violation. If the rule is finalized, the answer would be no.

any farmer and used in the transportation of agricultural commodities or products thereof from his/her farm or in the transportation of supplies to his/her farm.

[60 FR 38747, July 28, 1995]

DOT Interpretations—§392.60

Question 1: Does §392.60 require a driver to carry a copy of the written authorization (required to transport passengers) on board a CMV?

Guidance: No, the authorization must be maintained at the carrier's principal place of business. At the discretion of the motor carrier, a driver may also carry a copy of the authorization.

§392.61 [Reserved.]

§392.62 Safe operation, buses.

No person shall drive a bus and a motor carrier shall not require or permit a person to drive a bus unless—

(a) All standees on the bus are rearward of the standee line or other means prescribed in §393.90 of this subchapter;

(b) All aisle seats in the bus conform to the requirements of §393.91 of this subchapter; and

(c) Baggage or freight on the bus is stowed and secured in a manner which assures—

(1) Unrestricted freedom of movement to the driver and his proper operation of the bus;

(2) Unobstructed access to all exits by any occupant of the bus; and

(3) Protection of occupants of the bus against injury resulting from the falling or displacement of articles transported in the bus.

[63 FR 33278, June 18, 1998]

§392.63 Towing or pushing loaded buses.

No disabled bus with passengers aboard shall be towed or pushed; nor shall any person use or permit to be used a bus with passengers aboard for the purpose of towing or pushing any disabled motor vehicle, except in such circumstances where the hazard to passengers would be increased by observance of the foregoing provisions of this section, and then only in traveling to the nearest point where the safety of the passengers is assured.

[33 FR 19732, Dec. 25, 1968, as amended at 60 FR 38747, July 28, 1995]

§392.64 Riding within closed commercial motor vehicles without proper exits.

No person shall ride within the closed body of any commercial motor vehicle unless there are means on the inside thereof of obtaining exit. Said means shall be in such condition as to permit ready operation by the occupant.

[33 FR 19732, Dec. 25, 1968, as amended at 60 FR 38747, July 28, 1995]

§392.65 [Reserved.]

§392.66 Carbon monoxide; use of commercial motor vehicle when detected.

(a) No person shall dispatch or drive any commercial motor vehicle or permit any passengers thereon, when the following conditions are known to exist, until such conditions have been remedied or repaired:

(1) Where an occupant has been affected by carbon monoxide;

(2) Where carbon monoxide has been detected in the interior of the commercial motor vehicle;

(3) When a mechanical condition of the commercial motor vehicle is discovered which would be likely to produce a hazard to the occupants by reason of carbon monoxide.

(b) [Reserved]

[60 FR 38747, July 28, 1995]

§392.67 Heater, flame-producing; on commercial motor vehicle in motion.

No open flame heater used in the loading or unloading of the commodity transported shall be in operation while the commercial motor vehicle is in motion.

[33 FR 19732, Dec. 25, 1968, as amended at 60 FR 38747, July 28, 1995]

§§392.68–392.69 [Reserved.]

§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.

[58 FR 67375, Dec. 21, 1993]

Subpart H—Limiting the Use of Electronic Devices

§392.80 Prohibition against texting.

(a) **Prohibition.** No driver shall engage in texting while driving.

(b) **Motor Carriers.** No motor carrier shall allow or require its drivers to engage in texting while driving.

(c) **Definition.** For the purpose of this section only, *driving* means operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle with or without the motor running when the driver moved the vehicle to the side of, or off, a highway, as defined in 49 CFR 390.5, and halted in a location where the vehicle can safely remain stationary.

(d) **Emergency exception.** Texting while driving is permissible by drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

[75 FR 59136, Sept. 27, 2010; 76 FR 75487, Dec. 2, 2011]

§392.82 Using a hand-held mobile telephone.

(a)(1) No driver shall use a hand-held mobile telephone while driving a CMV.

(2) No motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a CMV.

(b) **Definitions.** For the purpose of this section only, *driving* means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

(c) **Emergency exception.** Using a hand-held mobile telephone is permissible by drivers of a CMV when necessary to communicate with law enforcement officials or other emergency services.

[76 FR 75487, Dec. 2, 2011]

JANUARY 2017 SAFETY MEETING

Hours of Service for 100 Air-mile Radius Drive

The following information is taken from FMCSR, §395.1(e);

A driver is not required to create a standard log if the following criteria are met:

1. The driver operates within a 100 air-mile radius of the normal work reporting location;
2. *The driver (except a driver salesperson) returns to the work reporting location and is release from work with 12 consecutive hours;
3. **A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty, and does not exceed 11 hours maximum driving time following 10 consecutive hours off duty;
4. A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty, and does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and
5. ***The motor carrier maintains time records for 6 months showing:
 - ◆ The time the driver reports for duty each day,
 - ◆ The time the driver is released from duty each day,
 - ◆ Total number of hours on duty each day, and
 - ◆ Total time on duty for the preceding 7 days for drivers used for the first time or intermittently.

Explanations for the “*” follows.

Time records are not required for days on which the driver does not work. Drivers are not required to have copies of the time records in their possession.

A driver can cross a state line and still come under the 100 air-mile radius exemption, if the five criteria listed above are met.

A 100 air-mile radius driver is not exempt from the 60-hour/7-day or 70-hour/8-day limit.

100 air miles are equivalent to 115.08 statute miles.

NOTE: If there is an emergency after the 12 hours of on-duty time, the following form, Hours of Service After Hours Emergency documentation and Procedures, must be completed and forwarded to Gene Maddox, Billy Boyd, Matt Peters and Lynn Eldridge.

LAMPTON-LOVE, INC & AFFILIATED COMPANIES

Hours of Service (H.O.S)
After Hours Emergency Documentation & Procedures

_____ Date: _____ Time: _____

Customer Name: _____

Account No.: _____ Gas Invoice No.: _____

- ☐ Charge ☐ No Charge
☐ Cash ☐ Check (Check No.)
☐ Emergency Condition Requiring Immediate After Hours Response
☐ System Passed Leak TestNo Leaks Detected
☐ Systems Failed Leak TestTaken out of Service

Office Notified - Official Customer Notification

- ☐ Customer Refused to Sign

Start Pressure	End Pressure	Time Held

Explanation of Emergency Conditions and Work Performed: _____

HOS Emergency Service Exemption

49 CFR 390.3(d)(7): Either a driver of a commercial motor vehicle used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency, if such regulations would prevent the driver from responding to an emergency condition requiring immediate response as defined in §390.5.

Part 390.5: Emergency Condition Requiring Immediate Response means any condition that, if left unattended, is reasonable likely to result in immediate serious bodily harm, death, or substantial damage to property. If the case of transportation of propane winter heating fuel, such conditions shall include (but are not limited to) the detection of gas odor, the activation of carbon monoxide alarms, the detection of carbon monoxide poisoning, and any real or suspected damage to a propane gas system following a severe storm or flooding. An emergency condition required immediate "response" does not include request to refill empty gas tanks. In the case of a pipeline emergency such conditions include (but not limited to) indication of an abnormal pressure event, leak, release or rupture.

X _____
Customer Signature

X _____
Driver Signature

Explanations for “*”...

*(2). This means that the driver does not have to return to the work location at the end of the day

***(3). After working 12 hours he must take 10 hours off duty time before he can return to driving. If he gets off at 4 p.m. the earliest he may return to work driving is at 2 a.m. the following day.

****(5). This is the information to be recorded on the time sheet; it does not call for the time driving or the miles traveled for the day.

commercial motor vehicle, who is engaged both in selling goods, services, or the use of goods, and in delivering by commercial motor vehicle the goods sold or provided or upon which the services are performed, who does so entirely within a radius of 100 miles of the point at which he/she reports for duty, who devotes not more than 50 percent of his/her hours on duty to driving time. The term **selling goods** for purposes of this section shall include in all cases solicitation or obtaining of reorders or new accounts, and may also include other selling or merchandising activities designed to retain the customer or to increase the sale of goods or services, in addition to solicitation or obtaining of reorders or new accounts.

Driving time means all time spent at the driving controls of a commercial motor vehicle in operation.

Eight consecutive days means the period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

Farm supplies for agricultural purposes means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.

Ground water well drilling rig means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

Multiple stops means all stops made in any one village, town, or city may be computed as one.

On duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. **On-duty time** shall include:

(1) All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;

(2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All driving time as defined in the term **driving time**;

(4) All time in or on a commercial motor vehicle, other than:

(i) Time spent resting in or on a parked vehicle, except as otherwise provided in §397.5 of this subchapter;

(ii) Time spent resting in a **sleeper berth**; or

(iii) Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth;

(5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;

(7) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-crash, or follow-up testing required by part 382 of this subchapter when directed by a motor carrier;

(8) Performing any other work in the capacity, employ, or service of a motor carrier; and

(9) Performing any compensated work for a person who is not a motor carrier.

Seven consecutive days means the period of 7 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

Signal employee, as defined in 49 U.S.C. 21101(4), means an individual who is engaged in installing, repairing, or maintaining signal systems.

Sleeper berth means a berth conforming to the requirements of §393.76 of this chapter.

Transportation of construction materials and equipment means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between mobilization of equipment and materials to the site to the final completion of the construction project) within a 50 air mile radius of the normal work reporting location of the driver. This paragraph does not apply to the transportation of material found by the Secretary to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding under regulations issued to carry out such section.

Twenty-four-hour period means any 24-consecutive-hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

Utility service vehicle means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

[57 FR 33648, July 30, 1992, as amended at 59 FR 7515, Feb. 15, 1994; 59 FR 60324, Nov. 23, 1994; 60 FR 38748, July 28, 1995; 63 FR 33279, June 18, 1998; 72 FR 36790, July 5, 2007; 75 FR 17245, April 5, 2010; 76 FR 25590 May 5, 2011; 76 FR 81187, Dec. 27, 2011; 77 FR 28451, May 14, 2012]

DOT Interpretations—§395.2

Question 1: A company told all of its drivers that it would no longer pay for driving from the last stop to home and that this time should not be shown on the time cards. Is it a

JANUARY 2017

MONTHLY SAFETY MEETING

MINUTES & ATTENDANCE RECORD

Company Name: _____

City: _____ State: _____

Date: _____ Time Started: _____ Time Finished: _____

Instructed By: _____ Number Attending: _____

Subject Covered and Comments:

1. Distracted Driving; Company Policy and DOT Requirements {FMCSR}): _____
2. Hours of Service – 100 Air-mile Radius Driver) _____

By my signature below, I certify that I attended and participated in this Safety Meeting and I understand the material presented.

Employee Name (Please print)	Employee Signature	License Expires *	Endorsements**	DOT Physical Expires***
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

**List driver's license expiration date in this column.*

***Check licenses for proper endorsements and re-testing (For example: "HazMat") List endorsements in this column.*

****List DOT physical expiration date in this column.*

By my signature below, I hereby certify that the employees listed above have been trained in accordance with the applicable regulation and curriculum for this monthly safety meeting.

Instructor's Signature: _____

E-Mail or fax this sheet only to: Lampton-Love, Inc.

Gene Maddox/Lynn Eldridge

Date: _____

P. O. Box 1607, Jackson, MS 39215-1507 Fax #:601-933-3420