



## Annual Workplace Safety and Health Conference

# Are Your Drivers Qualified? Best Practices for Driving Responsibly

Presented by  
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(Subsidiaries of Baldwin & Lyons, Inc.)

Carmel, Indiana

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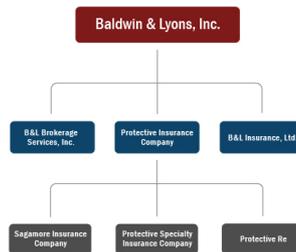


## About Baldwin & Lyons, Inc.

Founded in 1930, Baldwin & Lyons specializes in marketing and underwriting liability insurance for the transportation industry and multi-line workers' compensation

Our niche is:

- LTL/TL trucking, package handling, and public transportation
- Workers' Compensation Insurance
- Learn more at [www.baldwinandlyons.com](http://www.baldwinandlyons.com)



## Presentation Outline

- Fleets & Motor Carriers vs. All Other Business
- Regulated vs. Non-Regulated Fleets
- Minimum Loss Prevention Standards
- Driver Qualification File
- New Driver Reevaluation
- Corporate Safety Management
- Distracted Driving Policy in Place?
- Post-Collision Interviews
- Telematics and On-Board Safety Electronics
- Vehicle Maintenance
- Prepare Yourself



## *Regulatory Compliance*

Your Company Culture



Your Insurance Company



U.S. Department of  
Transportation



## Fleets and Motor Carriers vs. All Other Business

- Large fleets, small fleets, car fleets, service vehicle fleets, regulated fleets, non-regulated fleets
  - All have potential for a loss
  - Bigger vehicle = bigger loss potential?
  - Punitive damages are volatile
    - Negligent hiring
    - Negligent entrustment
    - Negligent supervision
    - Negligent retention



## Fleets and Motor Carriers vs. All Other Business

- Artisan and company car fleets may not have a safety director
- OSHA Safety Director vs. DOT Safety Director
- Hire as a driver, not just a worker
- Vehicle crashes are top on OSHA workplace injuries
- Driving personal vehicle has same consequences
  - Contingent liability can follow to company
  - Have some qualifications and training as if driving company owned vehicle
- Can family members drive company cars?



## Regulated vs. Non-Regulated Fleets

- Is there a difference?
- DOT-regulated vehicles:
  - Gross weight or rating, including combination of 10,001 lbs or more
  - Designed/used to transport 8 passengers – includes driver-for compensation
  - Designed/used to transport 15 passengers – includes driver-not for compensation
  - Transporting placarded amount of hazardous materials – regardless of vehicle size
  - Do not confuse this with CDL requirements:
    - Of over 26,001 pounds (single or combination)
    - 16 or more passengers including driver
    - Placarded amount of hazmats



## Regulated vs. Non-Regulated Fleets

- Federal Motor Carrier Safety Administration website: [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)





## Regulated vs. Non-Regulated Fleets

- Does compliance to DOT/FMCSA make a safety program?



## Minimum Loss Prevention Standards

- Include personal use stipulations and restrictions
- Minimum driver eligibility:
  - Age
  - Driving experience on similar equipment
  - Student drivers & driver advancement
    - Entry Level Driver Training - FMCSR Part 380.503
      - Driver qualification, disqualification, medical requirements, and responsibilities
      - Hours of Service
      - Driver wellness - health maintenance, exercise, diets, alcohol abuse
      - Whistle-blower protection
      - This is not a driver training program
    - CDL school not adequate
    - Need driver finishing program based on the equipment you expect them to drive
  - MVR & Past collisions
- Never permit deviation



## Driver Qualification File

- DOT application is different
- Review each document in the driver file on its own merit *and* as a whole
- Work history verification
  - DOT- show multiple attempts to obtain
  - Artisan jobs - document driving performance in addition to job performance
  - Obtain prior to hire versus FMCSR



## Driver Qualification File

- MVR
  - Obtain for:
    - Current license
    - Any license held in past 36 months at least
    - Annually
    - Post collision- frequently neglected
    - Reasonable suspicion
  - Receive prior to first driving assignment
- Copy of License
  - Required for regulated carriers
  - Privacy and security issue for non-regulated carriers?



## Driver Qualification File

- Road Examinations
  - Company and Personal Vehicles
  - On equipment similar to what they will be driving
  - Administer in evening and bad weather
  - Perform commentary
    - Vehicle inspection
    - Driving performance
  - Use a certified trainer
  - Include company collision trends
  - Check rides every two years – at least
  - Observe entering & exiting = 3 point system (large vehicles)



## Driver Qualification File

- Written examinations
  - Cover orientation topics
  - No trick questions
  - Review incorrect responses
  - Use as an evaluation of the trainer
- Physical examinations
  - Use company selected physicians
  - Must follow DOT requirements (if regulated)
  - If using non-company physicians – verify the exam
  - Regulated carriers are responsible for exam results



## Driver Qualification File

- Drug and alcohol screens needed?
  - Keep regulated and non-regulated drivers in separate random pools
  - Post collision
    - Have a nationwide program established
    - Document time constraint non-compliance
  - Reasonable suspicion
    - Have multiple trained observers on each shift
    - Do not let worker drive to test sight
  - Hair follicle test?



## New Driver Re-evaluation

- 30, 60, 90, 180 days
- Review
  - CSA compliance
  - Hours-of-service compliance
  - MVR
  - Operations compliance
  - Re-road test, including vehicle inspections
  - Telematics reports
  - Fatigue
  - Distracted driving
  - Customer feedback



## Corporate Safety Management

- Safety meetings
  - Have regular meetings – make sure it includes driving safety
  - Include drivers and:
    - Management
    - Dispatch
    - Maintenance
    - Sales
    - Other departments?
- Safety director should attend driver oriented safety conferences
- Safety dispatch lock-out program
  - Any department can lock out
  - Only safety can unlock



## Distracted Driving Policy in Place?

- Best policy is no use of cell phone while driving
- Hands-free is not the answer



## Post-Collision Interviews

- Determine root cause factors
- Provide retraining and coaching
- Conduct new road examination



## Defensive Driving Programs

- National Safety Council
  - Professional Truck Driver
  - Defensive Driving Course (car and utility vehicles)
    - Instructor
    - Online
- Smith System
- Company developed



## Telematics and On-Board Safety Electronics

- Being used as a dispatch/locator system?
- Used to monitor and correct driver safe behavior performance?



## Prepare Yourself

- Audit your program as if you were:
  - Safety director
  - DOT compliance officer
  - Insurance company
  - Company CEO or owner
  - Plaintiff attorney
  - Person purchasing the company
  - Personal insurer of the company at all levels



## Questions and Comments?

Thank you!

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