



SPEED BUMPS

How to Edit an ELD log

ADDING AN EVENT ON AN ANDROID™ DEVICE

1. Select View Log on the Encompass ELD home screen
2. Select the date of the log needed to edit, then select **Edit This Log**. Optionally, select **Edit Log** on the left and select the log date from there.
3. Select **Add Log Event**.
4. Select the status of the event that is being added and enter, at minimum, **Start Time, End Time, Location, and Annotation**. An annotation is a note as to why the status is being added/edited and it is required.
5. Select **Apply** to save the event. A success message will be displayed.
6. The status is now added to the log.

EDITING AN EVENT ON AN ANDROID™ DEVICE

1. Select View Log on the Encompass ELD home screen.
2. Select the date of the log needed to edit, then select **Edit This Log**. Optionally, select **Edit Log** on the left and select the log date from there.
3. Select **Edit** next to the status that needs to be edited.
4. Make the necessary changes to the ELD event. Items changed could include **Start Time, End Time, Location, and Annotation**. An annotation is a note as to why the status is being added/edited and it is required.
5. Select **Apply** to save the event. A success message will be displayed.
6. The change is now reflected to the log.

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2020 Safety Meeting Schedule

Orlando

Hilton Garden Inn at 7300 Augusta National
Breakfast is at 7:30 and meeting starts at 8 Am

May 9
Sept 12

Tampa

Hilton Garden Inn East Brandon at 10309 Highland Manor Dr
Breakfast is at 7:30 and meeting starts at 8 Am

February 8
June 13
October 10

Jacksonville

FMX
2175 Commonwealth Ave
Breakfast is at 7:30 and meeting starts at 8 Am

March 14
July 11
November 14

FMCSA is monitoring Medical Exam Forms

If you needed any more proof that the DOT is watching over drivers' shoulders as they complete their medical exam forms, look no further. A Boston driver was recently arrested after federal agents discovered that he lied on the form about his health history.

The driver was recently charged in a Boston court with making a false statement on a DOT Medical Examination Report Form and was arrested the next day.

During the first exam in May 2016, while completing the Health History part of the form, the driver responded "yes" to a question that indicated he had a disqualifying medical condition. Based on that response, the medical examiner concluded that the driver wasn't qualified to drive a commercial vehicle.

Four months later, the driver went to a different medical examiner and again filled out his health history on a DOT medical form. This time, however, he responded "no" to the question that disqualified him during the earlier exam. Not surprisingly, the second medical examiner issued the driver a medical card.

The FMCSA is able to catch discrepancies on medical exam forms because it collects them on a daily basis. Under §391.43, all DOT medical examiners are required to upload detailed exam results to the FMCSA through a secure website. The FMCSA can then monitor those results and flag drivers who appear to be

sidestepping the rules.

This case serves as a reminder that drivers are allowed to get second opinions but they are not allowed to give second answers.

In other words, drivers who cannot get certified by one medical examiner are allowed to seek out a second opinion from a second examiner, as long as:

- Both examiners are listed on the National Registry of Certified Medical Examiners, and
- The driver provides the same (honest and accurate) information to both examiners.

In this case, the driver gave different information to the second examiner as a way to hide a disqualifying condition and get a medical card.

Drivers and motor carriers who falsify any FMCSA-required documentation face hefty penalties, including fines of up to nearly \$13,000.

Motor carriers are not required to obtain or review their drivers' Medical Examination Report Forms; they only need the certificates. In this case, the penalties landed squarely on the driver because his employer(s) likely had no way to know that he was dishonest with his DOT medical examiners.

All new medical cards must be submitted to DMV prior to the expiration date to avoid CDL suspension or downgrade of the CDL.



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Fax Malfunction leads to downgraded CDL & \$250 Fine

A Michigan truck driver learned that lesson the hard way after a broken fax machine led to a loss of his driving privileges and a \$250 penalty.

The FMCSA issued the fine following an audit that revealed that the driver had operated a commercial vehicle without a valid commercial driver's license (CDL).

The problem started when the driver decided to fax his latest medical certificate to the Michigan licensing agency just one day before his prior certificate was due to expire. It wasn't until more than two weeks later that he learned the fax never arrived.

Turns out, the state's fax machine had malfunctioned.

The driver resented the fax and the licensing agency received it, but by then it was too late. His license had been downgraded two weeks earlier when his prior medical card expired.

The FMCSA says that because he drove a commercial vehicle before the state restored his driving privileges, he was in violation even though his medical certification never lapsed.

The agency issued the driver a fine for violating §383.23(a) by operating a commercial motor vehicle without a valid CDL. An administrative judge upheld the violation despite the driver's argument that it should be tossed out.

The news wasn't all bad for the driver, however. The FMCSA initially wanted to fine him \$1,150 but the judge took into consideration the circumstances and lowered the fine to \$250.

Drivers who hold a CDL must submit each new medical certificate to their state licensing agency or risk losing their driving privileges. To avoid having their licenses downgraded and/or getting cited, drivers should:

- Submit their medical certificates using the quickest, most secure method that the state offers. In Michigan, for example, the state has a secure online portal where drivers can upload their medical cards. (They still offer a fax line, but could you trust it?) Drivers should check their licensing agency's website for available options.
- Get a new exam and submit the new certificate well in advance of the prior certificate's expiration date. States have 10 days to update their driving records once they receive a medical card, which is plenty of time for an old card to expire. Drivers who wait too long risk getting sidelined.
- Be sure their "self-certification" remains current. For example, if a driver switches from being an "intrastate" to an "interstate" driver, he or she needs to inform the licensing agency.

Stop driving commercial vehicles if the state downgrades their license, and then figure out what happened and how to get the license reinstated.

The image shows a sample DOT Medical Certificate form for Florida. It includes fields for the driver's name, date of birth, and medical examiner's name. There are checkboxes for various conditions like hearing, vision, and alcohol/drug use. A section at the bottom is for the medical examiner's signature and stamp. The form is titled "DOT MEDICAL CERTIFICATE FLORIDA".

Hermit crabs form gangs to steal other hermit crabs' shells.





Simple tips for truck drivers to lose weight

- **Walking:** One of the easiest ways drivers can stay fit on the road is to walk a mile whenever they stop. To put that into context, one mile equates to 130 calories burned for a 250 pound male. Even one mile per day can eventually lead to a weight loss of over six pounds. An easy way to measure a mile is to walk 32 times around a standard commercial truck.

- **Vegetables:** Replacing snacks with vegetables is another easy way to maintain weight. For instance, on one hand, a cup of sugar snap peas is approximately 35 calories with fiber and vitamins. On the other hand, a candy bar is 240 calories with 5 grams of saturated fat.

- **Water:** This is an obvious way to stay hydrated without any calories to maintain energy. A 12-ounce soft drink equates to 140 calories, and can drain energy later in the day.

- **Grilled:** Even chicken grilled maintains high levels of lean protein. But when it is fried or greasy, it becomes loaded with fat, trans fats and saturated fats.

- **Portions:** This is particularly important because even food that is low in nutrition can be made

more healthy with lower portions. Small reductions in caloric intake can go a long way over time. For instance, medium-sized fries instead of large can save between 100 to 200 calories, which in turn can lead to a weight loss of over six pounds over the course of six months.

The long hours behind the wheel with tight shipping deadlines, limited health food options on the road and a limited number of exercise facilities can make staying fit difficult. But this is important because an American Trucker report found that weight maintenance is the top predictor of weight loss. Little changes to a trucker's diet can produce great benefits down the road for avoiding obesity.



**It's possible
to lead a
cow
upstairs...
but not
downstairs.**



Truckers' Tax Tips & Truck Driver Tax Deduction Help

Drivers, when you're doing taxes, Don't Forget These Deductions:

Access Fees:

- Internet (Cell phone data plans)
- Satellite (Qualcomm, Sirius/XM)

Administrative Fees:

- ATM Fees
- Check Reorder Fees

Association Dues

- OOIDA, Teamsters, etc

ComData/ComCheck Fees:

- Computer Software
- Credit Card Fees

Cleaning Supplies:

- Window Cleaner
- Paper Towels
- RainX

Interest:

- Business Loan
- Credit Card

Office Supplies:

- Pens, Pencils, Paperclips, Envelopes, Folders, Rubber Bands

Medical Exams

- DOT Physical
- Drug Tests
- Sleep Apnea Study

Postage Fees:

- For Mailing Invoices, Bills of Lading, etc...

Real Estate Expenses:

- Mortgage interest
- Mortgage prepayment penalties

- Penalties of early withdrawals
- Points on principal residence financing
- Real estate taxes

Safety Gear

- Steel-toe boots
- Work Gloves
- Cargo straps

Trucking & Business Related Subscriptions

- Load board subscriber fees
- Trucking industry magazines

Uniforms

- Dry Cleaning Costs for your uniforms or protective clothing

NON-Deductible Expenses:

- Expenses that were reimbursed by your employer
- Clothing that is adaptable to everyday wear
- Commuting costs (tolls, gas, parking)
- Home phone line
- Interest on personal loans
- Personal vacations

Special Notes For Owner-Operators:

- You CANNOT deduct the time you incur from working on your own equipment
- You CANNOT deduct the income lost as a result of deadhead/unpaid mileage, ONLY the expenses incurred to operate the truck during that time such as fuel, tolls and scales. etc.

You CANNOT deduct for downtime

Special Days

Birthdays

Francisco Rodriguez 2-8
Bret Hoover 2-8
Buddy Bright 2-11
Donna Dicharia 2-15
Mark Venson 2-19



Years of Service

Jesus Ordaz 2-1-02 (18 yrs)
Randy Ethridge 2-1-02 (18 yrs)
Marvin Young 2-1-02 (18 yrs)
Frank Brown 2-1-02 (18 yrs)
Metta Ketavong 2-4-02 (18 yrs)
Rafael Garcia 2-1-08 (12 yrs)
Kevin Kirsch 2-1-09 (11 yrs)
Robert Broughton 2-1-13 (7 yrs)
Jarvis Young 2-6-18 (2 yrs)
Amaury Suarez 2-23-18 (2 yrs)



ALWAYS KEEP YOUR RECEIPTS!

Making sure that you have verification of the expense you are claiming is incredibly important! This is particularly true in the event your return is selected for an IRS audit.

Independent Contractors save their receipts in different ways, but a great way to save space on the truck is to purchase a receipt scanner! Keep in mind that although your receipts may be stored electronically, it is important to keep the originals organized in a safe location as electronic receipts are not upheld in all IRS audits.

How Fueling after hours can land you in hot water

What your short-haul drivers do on their off hours can come back to haunt you, as a New Hampshire-based motor carrier recently learned.

During an August 2019 audit of the small carrier, an FMCSA investigator focused on a driver who had been using a short-haul exception in 49 CFR §395.1(e).

The exception allows drivers to keep basic time records instead of logs, as long as they meet certain conditions. One of those conditions is keeping “accurate and true time records” showing the driver’s total on-duty time.

Upon further investigation of the company’s fuel receipts...

It was discovered that the driver had been purchasing fuel on a regular basis outside of the time he logged on duty for the carrier.

In other words, the driver was fueling his truck after hours and reporting the time as off duty. The auditor found this had happened 24 times out of 60 records checked.

Because fueling a commercial vehicle is considered an on-duty activity, the driver, in effect, was not submitting accurate time records when he failed to include the fueling time.

The driver was not cited for false records, however.

Because the carrier was not keeping accurate time records, the driver was not eligible to use the short-haul exception. This means he should have used a regular log on the days he purchased fuel. In addition, because his time records were inaccurate on more than eight days out of 30, he should have been using an electronic logging device (ELD).

The carrier, therefore, was hit with 24 counts of violating §395.8(a)(1) for failing to use an ELD when required, despite claiming that the driver was not authorized to drive the vehicle after hours.

Along with other violations discovered during the audit, the result was an **“Unsatisfactory” safety rating** for the carrier, whose operations were placed entirely out of service.

How Fueling after hours can land you in hot water pt 2

Could you have prevented a similar fate?

If you use short-haul drivers who keep time records instead of logs, are you sure they don't engage in on-duty activities that aren't reported to you? For example, fueling, doing repairs or inspections, and other activities that help the business are all on-duty tasks.



As the old Russian proverb says, “trust, but verify.” You don't need to track each driver's every move, and you can trust them to report their outside work hours to you, but:

- Ensure that all drivers are aware that **all on-duty hours** must be reported to you; and
- Take steps to verify their time records.

Had the New Hampshire company audited its time records against its fuel receipts, for example, the result of its FMCSA audit may have been much different.

If you have any reason to believe that your drivers may not be reporting on-duty activities to you, take steps to correct the situation or it could be held against you in an audit or during litigation.

This is a great example as to why FMX compares your document times (POD times, BOL times), Fuel times, etc. against your log. We call it checking for falsifications.

Don't trust Your Spotter

When backing up your truck and you have a spotter, there's something you should remember.

- 9 times out of 10, the spotter is watching only one part of the truck.
- Chances are he's not watching for overhead clearance and he's not watching your front right corner.
- He's likely just watching the back end of the trailer or a small section of the area. **BEWARE.**
- Even though his intentions may be good, don't trust him completely.
- Get out of your truck often and have a look for yourself. This is especially important if you're blind siding in.
- Take the time to get out and look numerous times, so you don't hit anything.



Valentine's Day Facts:

- Every year, more than 36 million heart shaped boxes of chocolates

are sold across the country.

- The average man spends \$130 on Valentine's Day, while women spend about \$70.
- Don't forget about your pets! Every year, around 9 million people buy their pets a Valentine's Day gift.
- February 14th is the second largest card giving day of the year, just after Christmas. This year, it's expected that 1 billion cards will be exchanged around the world.
- Hallmark was one of the first to mass produce a Valentine's Day card, all the way back in 1913.
- It's estimated that the U.S. alone is going to spend \$3.3 billion on flowers for loved ones this year.
- The only other day that beats Valentine's Day in floral sales is Mother's Day.
- And the most likely flower to be purchased? Red roses!
- Ordering a bouquet? Have it tied in lace. The word "lace" comes from the Latin laques, meaning "to snare or net," as in to catch a person's heart.

**FMCSA Increases Random Pull**

Last week the FMCSA published that they are increasing the percentage of drivers that must be randomly tested from 25% to 50% annually.



Alcohol testing is remaining at 10%. They stated after doing a random survey, they discovered the percentage of positive results from random drug testing has risen. Please do not feel like we are picking you when we send you for a random. With half the fleet needing

tested annually, your number will eventually come up.



Federal
Motor Carrier
Safety
Administration

Trucking Law: What happens after a stroke or seizure

One of the most complex medical issues for commercial drivers is a neurological condition. Certified Medical Examiners often have to reach out to the Federal Motor Carrier Safety Administration for guidance on certifying drivers who've had a stroke, ministroke or seizure.

Obviously, the most important issue is whether the driver will have a sudden loss of consciousness or a sudden loss of ability to control the truck. While most circumstances require a cautious approach that in many cases involve lengthy waiting periods, the U.S. Department of Transportation has agreed with medical advisory boards that not all neurological conditions preclude a driver from a safe driving career.

STROKES. Diabetes and high blood pressure (hypertension) are significant contributing factors to the development of strokes or ministrokes, known as transient ischemic attacks (TIA). It's no surprise that commercial drivers have an above-average incidence of TIAs and strokes, as they do with hypertension and diabetes.

If you suffer a stroke or TIA and are left with permanent disabling effects such as paralysis, severe weakness or vision loss, you will not be certifiable as a commercial driver. Otherwise, in the majority of cases, you will be able to resume your driving career if you're willing to wait.

After initial recovery from a stroke or TIA, you must wait at least a year before being eligible for a medical certificate. If you have a more severe stroke or brain bleed that involves a middle cerebral or anterior cerebral artery, guidance to medical examiners suggests waiting five years.

If you pass the medical exam, you will be certified for up to one year at a time. Before taking the exam:

- You will need clearance from your neurologist and supporting paperwork.
- You must be free of seizures and convulsions.
- You may be asked to complete an on-road driving evaluation comparable to what's given a new CDL applicant

SEIZURES. It used to be that anyone taking anti-seizure medication for a seizure disorder was automatically medically disqualified. More recently, FMCSA has been able to grant a waiver for those taking long-term anti-seizure medication. To qualify, you must be seizure-free with or without medication for eight consecutive years. If currently taking medication, you must be on the same stable medication regimen for at least two years.

Further, a driver with a history of epilepsy may be qualified without a waiver if seizure-free and medication-free for 10 years. However, many seizures are not the result of epilepsy or another seizure disorder. If you have a single episode of a non-epileptic seizure or a loss of consciousness from an unknown cause, and the incident did not require anti-seizure medication, the rules are much less stringent.

The decision to certify you will be left up to the individual examiner, though official guidance is to wait at least six months. You may be qualified if there are no further seizures, no antiseizure medication is required and clearance is provided by a neurologist.