



Compliance review

A compliance review is an on-site examination of the motor carrier's records and operations by a uniformed member of the Colorado State Patrol, to determine whether the carrier meets the safety fitness standard. Upon completion of the review, a motor carrier will receive a safety rating. The rating will reflect the carrier's compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations as adopted by the Colorado State Patrol.

A compliance review is conducted to investigate potential safety violations, to investigate complaints, or is in response to a carrier's request for a change in safety rating. The results of the compliance review may result in the initiation of an enforcement action.

Safety ratings

The safety ratings are:

- **Satisfactory:** A motor carrier has in place and functioning adequate safety management controls to meet the safety fitness standard prescribed in Section 385.5. Safety management controls are adequate if they are appropriate for the size and type of operation of the particular motor carrier.
- **Conditional:** A motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in the occurrences listed in Section 385.5(a) through (h).
- **Unsatisfactory:** A motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standards which has resulted in occurrences listed in Section 385.5(a) through (h). The motor carrier will receive written notice of the safety rating.

Safety fitness standard

[\(Section 385.5\)](#)

The safety rating is based on the degree of compliance with the safety fitness standard for motor carriers. To meet the safety fitness standard, the motor carrier shall demonstrate that it has adequate safety management controls in place that function effectively to ensure acceptable compliance with applicable with the regulations.



Compliance review Guidelines

The following is a list of regulations that the compliance officer will review to see if the carrier is complying.

Insurance Interstate: Part [387.7](#) - Intrastate: Part [392.2](#) / CRS. [42-4-1409](#)

Interstate () Copy of MCS 90 () Proper insurance amount ([387.9](#)) Yes () No ()
MCS 150 (DOT application) Yes () No () Updated every 24 months Yes () No ()
Intrastate () Copy of valid insurance ()

Accident Register / Past 365 days: Part [390.15](#)

Reportable accidents Yes () No ()
Copy of accident register Yes () No ()

Motor carriers must maintain an accident register containing specific information for each accident. The information to be included for each accident is as follows:

- Date of accident,
- City of town in which or most near where the accident occurred and the state in which the accident occurred,
- Driver name,
- Number of injuries,
- Number of fatalities, and
- Whether hazardous materials, other than fuel spilled from the fuel tanks of vehicles involved in the accident, were released.
- Copies of all accident reports required by state or other governmental entities or insurers must also be retained.

DOT Markings: Part [390.21](#) vehicles defined as commercial motor vehicles according to 390.5 and operating in commerce must display prescribed identification information.

Is the Commercial Vehicle properly marked? Yes () No () DOT # Yes () No () Carrier name Yes () No ()

Driver Qualification Files: Part [391.51](#)

Carrier maintains D.Q file(s) Yes () No ()

A motor carrier is required to maintain a driver's qualification (DQ) file for each driver it employs. The following documents are to be included in a DQ file for each regularly employed driver:

- Application for employment ([§391.21](#)),
- Motor vehicle record (MVR) from states ([§391.23](#)),
- Previous employer information ([§391.23](#)),
- Road test form and certificate ([§391.31\(g\)](#)), or license or certificate accepted in lieu of road test ([§391.33](#)),
- Medical exam certificate, original or a copy ([§391.43\(g\)](#)),
- Any letter granting a waiver of a physical disqualification,
- Annual motor vehicle record ([§391.25](#)),
- Annual review of driving record ([§391.25](#)), and
- Annual list of violations ([§391.27](#)),



Records of Duty Status: Part 395

Carrier using Logs (Part [395.8](#)) Yes () No ()

Part [395.8](#), states that except for a private motor carrier of passengers (nonbusiness), every motor carrier shall require every driver used by the motor carrier to record his/her duty status. The driver's record of duty status, commonly known as the driver's log, is the document used by the driver to record his/her time.

Carrier claiming 100 air mile radius exemption [395.1\(e\)](#) Yes () No ()

A driver is not required to create a standard log ([395.8](#)) if all the following criteria are met:

- The driver operates within a 100 air-mile radius of the normal work reporting location;
- The driver (except a driver salesperson) returns to the work reporting location and is released from work within 12 consecutive hours;
- 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;
- 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
- 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.

Time records must also be maintained for days in which the driver does not work. Drivers are not required to have copies of the time records (time card) 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.

DOT Markings: Part [390.21](#) vehicles defined as commercial motor vehicles according to [390.5](#) and operating in commerce must display prescribed identification information.

Is the Commercial Vehicle properly marked? Yes () No () DOT # Yes () No ()
Carrier name Yes () No ()



Drugs & Alcohol: Part 382

Carrier implemented a drug & alcohol testing program Yes () No ()

- This part applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State, and is subject to the commercial driver's license requirements of [part 383](#)

Tests Required

§382.301	Pre-employment testing
§382.303	Post-accident testing
§382.305	Random testing
§382.307	Reasonable suspicion testing
§382.309	Return-to-duty testing
§382.311	Follow-up testing

Additional Part 382 requirements

Each employer shall ensure that all alcohol or controlled substances testing conducted under this part complies with the procedures set forth in [part 40](#) of the FMCSR.

Positive Tested Driver's

Has the carrier had any driver's test positive for drugs or alcohol? Yes () No ()

Is the carrier using a positive tested driver? Yes () No ()

Has the carrier provided positive test driver with required SAP Info. Part [40.287](#)

Yes () No ()

Semi- Annual Report: Part [382.401\(c\)\(6\)\(iii\)](#)

Record retention: Semi-annual laboratory statistical summaries of urinalysis required by [§40.111\(a\)](#) . * Note: No summary if the employer has fewer than five aggregate tests. YES () NO ()

Drug Request from Previous Employers of Drivers (CDL driver's only): [Part 40.25\(b\)](#)

YES () NO ()

You must request the information listed in this paragraph (b) from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer:

- (b)(1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
- (b)(2) Verified positive drug tests;
- (b)(3) Refusals to be tested (including verified adulterated or substituted drug test results);
- (b)(4) Other violations of DOT agency drug and alcohol testing regulations; and
- (b)(5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty



Training for Supervisors Regarding Reasonable Suspicion Testing: Part 382.603

Yes () No ()

Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under [§382.307](#).

Promulgation of a Written Drug and Alcohol Policy: Part [382.601](#)

Yes () No ()

Motor carriers are required to have written materials and a policy outlining their alcohol and drug program. These materials must be provided to each driver and written notice of the availability of these materials must be provided to union representatives. These materials must be distributed prior to the start of alcohol and drug testing. Each driver must sign a receipt that he/she has received a copy of the materials.

Inspection and Maintenance: Part 396

The carrier is required by [396.3](#) to "...systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all vehicles subject to its control for 30 days or more. "

Does the carrier have a maintenance program? Yes () No ()

Does the carrier maintain maintenance files for each vehicle? Yes () No ()

Does the file contain all required Information. (Year, make, model, serial number and tire size)
Yes () No ()

Does the carrier have a means to indicate the nature and the due date of the various inspection and maintenance operations to be performed? Yes () No ()

Are repairs noted? Yes () No ()

All records shall be retained where the vehicle is housed or maintained. Records shall be retained for 1 year, and for 6 months after the vehicle leaves the motor carrier's control.

Period Inspection: Part [396.17](#)

The regulations require that commercial motor vehicles operated in commerce pass an inspection annually. The inspection must comply with federal standards or compatible state standards. If there is no proof of inspection, the carrier may not place it in service. Current inspection Yes () No ()

Inspectors Qualifications: Annual Part [396.19](#) / Brake Part [396.25](#)

Does the carrier use an outside inspector for annual inspections? Yes () No ()

Does the carrier maintain inspections qualifications? Yes () No ()



Driver Vehicle Inspection Reports (DVIRs): Part [396.11](#)

The inspection requirements of Part 396 include a written vehicle inspection report ([§396.11](#)) to be prepared and signed by the driver at the completion of each day's work on each vehicle operated.

Does the carrier prepare D.V.I.R's? Yes () No ()
Are defects noted and repairs corrected? Yes () No ()
Reviewing driver's signature? (Part [396.13](#)) Yes () No ()

Past Roadside Inspections: Part [396.9](#)

The driver shall deliver the report to the motor carrier upon arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility within 24 hours, he/she shall immediately mail the report to the carrier.

- A motor carrier official is to certify on the form that violations have been corrected and mail the completed form to the address shown. This must be done within 15 days following the date of the inspection.
- Motor Carrier Retention of Report — the motor carrier must retain a copy of the completed form at its principal place of business, or where the vehicle is housed, for 12 months.

Carrier maintains roadside inspections for the past 12 months? Yes () No ()

Hazardous Material Check List for Compliance Review



Hazardous Material Regulations

1. Hazardous Material permits: [SubChapter A](#)
Federal RSPA: Part 107.608 (b) / State PUC CRS. [42-20-201](#)
2. Placarding Required [SubChapter C](#): Part172.504 YES ()
NO ()
3. Shipper OF Hazardous Material YES () NO ()
4. Carrier OF Hazardous Material YES () NO ()
5. Bulk or Nonbulk [SubChapter C](#): Part171.8 *** DEFINITIONS***
YES () NO ()
6. Material of Trade [SubChapter C](#): Part 173.6
 - If claimed, the carrier is exempt from the hazardous material regulations
7. Shipping Papers: [SubChapter C](#): Parts 172.200 to 172.300, 177.817(a)
NOT PROPER
 - Emergency phone number: 172.604 (a) & 172.604(a)(2) YES () NO ()
 - Proper product description: 172.201 (a)(1) YES () NO ()
 - Certification: 172.204 & 177.817(b) YES () NO ()
 - Signature: 172.204 (a) YES () NO ()
 - Retention of Shipping Paper: 172.201(e) Shipping papers must be retained for the following:
 - Hazardous waste, 3 yrs. YES () NO ()
 - All other hazardous material, 375 days YES () NO ()



8. Hazmat Training for All Employees: [SubChapter C: Part 177.800\(c\) & 172.704\(c\)](#)

YES () NO ()

- 177.800(c) Responsibility for training. A carrier may not transport a hazardous material by motor vehicle unless each of its hazmat employees involved in that transportation is trained as required by this part and subpart H of part 172 of this subchapter.
- 172.704(c) Initial and recurrent training — (1) Initial training. A new hazmat employee or a hazmat employee who changes job functions may perform those functions prior to the completion of training provided—
 - (c)(1)(i) The employee performs those functions under the direct supervision of a properly trained and knowledgeable hazmat employee; and
 - (c)(1)(ii) The training is completed within 90 days after employment or a change in job function.

9. Hazardous Material training: [SubChapter C: Part 172.704\(a\)](#)

YES () NO ()

Hazmat employee training must include the following:

- (a)(1) General awareness/familiarization training. Each hazmat employee shall be able to recognize and identify hazardous materials
- (a)(2) Function-specific training. (i) Each hazmat employee shall be provided function-specific training which are specifically applicable to the functions the employee performs.
- (a)(3) Safety training. Each hazmat employee shall receive safety training concerning— Emergency response information, Measures to protect the employee from the hazards associated with hazardous materials to which they may be exposed in the work place, including specific measures the hazmat employer has implemented to protect employees from exposure; and Methods and procedures for avoiding accidents, such as the proper procedures for handling packages containing hazardous materials.

10. Hazmat Training for Driver: [SubChapter C: Part 177.816](#)

YES () NO ()

In addition to the training requirements of §177.800, no carrier may transport, or cause to be transported, a hazardous material unless each hazmat employee who will operate a motor vehicle has been trained in the applicable requirements of 49 CFR parts 390 through 397 and the procedures necessary for the safe operation of that motor vehicle. Driver training shall include:

- (a)(1) Pre-trip safety inspection;
- (a)(2) Use of vehicle controls and equipment
- (a)(3) Operation of vehicle
- (a)(4) Procedures for maneuvering tunnels, bridges, and railroad crossings
- (a)(5) Requirements pertaining to attendance of vehicles, parking, smoking, routing, and incident reporting
- (a)(6) Loading and unloading of materials, including— (a)(6)(i) Compatibility and segregation of cargo in a mixed load; (a)(6)(ii) Package handling methods; and
- a)(6)(iii) Load securement.

The training required by paragraphs (a) and (b) of this section may be satisfied by compliance with the current requirements for a Commercial Driver's License (CDL) with a tank vehicle or hazardous materials endorsement.



11. Records of Training for Employees: [SubChapter C: Part 172.704\(d\)](#)

YES () NO ()

A record of current training, inclusive of the preceding three years, must be created and retained by each hazmat employer for each hazmat employee for as long as that employee is employed by the employer as a hazmat employee and for 90 days thereafter.

The record must include:

- (d)(1) The hazmat employee's name;
- (d)(2) The most recent training completion date of the hazmat employee's training;
- (d)(3) A description, copy, or the location of the training materials used to meet the requirements in paragraph (a) of this section;
- (d)(4) The name and address of the person providing the training; and
- (d)(5) Certification that the hazmat employee has been trained and tested, as required by this subpart.

12. Records of Training for Drivers: [SubChapter C: Part 172.704\(d\)](#)

YES () NO ()

- Training required by 177.816 must conform to the requirements of §172.704 of this subchapter with respect to frequency and recordkeeping.

13. Follow up Training (once every 3 years): [SubChapter C:](#)

Part 172.704(c)(2) YES () NO ()

- (c)(2) Recurrent training. A hazmat employee shall receive the training required by this subpart at least once every three years.
- (c)(3) Relevant Training. Relevant training received from a previous employer or other source may be used to satisfy the requirements of this subpart provided a current record of training is obtained from hazmat employees' previous employer.
- (c)(4) Compliance. Each hazmat employer is responsible for compliance with the requirements of this subchapter regardless of whether the training required by this subpart has been completed.

14. Hazmat Employee SECURITY AWARENESS TRAINING: [SubChapter C:](#)

Part 172.704 (a)(4) YES () NO ()

- (a)(4) Security awareness training. No later than the date of the first scheduled recurrent training after March 25, 2003, and in no case later than March 24, 2006, each hazmat employee must receive training that provides an awareness of security risks associated with hazardous materials transportation and methods designed to enhance transportation security. This training must also include a component covering how to recognize and respond to possible security threats. After March 25, 2003, new hazmat employees must receive the security awareness training required by this paragraph within 90 days after employment.

15. Does Company Have Security Plan: [SubChapter C: Part 172.704\(a\)\(5\)](#)

YES () NO ()



16. In-depth Security Training: [SubChapter C: Part 172.704\(a\)\(5\)](#)

YES () NO ()

In addition to the above security awareness training (172.704(a)4), hazmat employees of employers that are required to have a security plan must receive in-depth security training on the security plan and its implementation. In-depth security training must include:

- company security objectives,
- specific security procedures,
- employee responsibilities,
- actions to take in the event of a security breach, and
- Organizational security structure.

17. Tank Retest Intervals Dates: [SubChapter C: Part 180.407](#)

YES () NO ()

180.415 Test and inspection markings.

- Each cargo tank successfully completing the test and inspection requirements contained in §180.407 must be marked as specified in this section.
- Each cargo tank must be durably and legibly marked, in English, with the date (month and year) and the type of test or inspection performed, subject to the following provisions:
 - (b)(1) The date must be readily identifiable with the applicable test or inspection.
 - (b)(2) The markings must be in letters and numbers at least 32 mm (1.25 inches) high, near the specification plate or anywhere on the front head.
- (b)(3) The type of test or inspection may be abbreviated as follows:
 - (b)(3)(i) V for external visual inspection and test;
 - (b)(3)(ii) I for internal visual inspection;
 - (b)(3)(iii) P for pressure test;
 - (b)(3)(iv) L for lining inspection;
 - (b)(3)(v) T for thickness test; and
 - (b)(3)(vi) K for leakage test for a cargo tank tested under §180.407, except §180.407(h)(2); and
 - (b)(3)(vii) K-EPA27 for a cargo tank tested under §180.407(h)(2) after October 1, 2004.
- For a cargo tank motor vehicle composed of multiple cargo tanks constructed to the same specification, which are tested and inspected at the same time, one set of test and inspection markings may be used to satisfy the requirements of this section. For a cargo tank motor vehicle composed of multiple cargo tanks constructed to different specifications, which are tested and inspected at different intervals, the test and inspection markings must appear in the order of the cargo tank's corresponding location, from front to rear.

Website - A complete Educational and Technical Assistance package entitled " A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations.

<http://www.fmcsa.dot.gov/factsfigs/eta/index.html>.

For additional information check the following website: <http://www.fmcsa.dot.gov/>

Colorado State Patrol Motor Carrier Safety (303) 273-1875

Colorado State Patrol Hazardous Material Section (303) 239-4546

Colorado Port of Entry (303) 205-5691

Federal Motor Carrier Safety Administration (720) 963-3131

Colorado Motor Carrier Association / CMCA (303) 433-3375