

ROADSIDE INSPECTIONS

Safety inspections improve safety and ensure compliance with applicable regulations. A certified federal, state, or provincial CMV inspector conducts inspections unannounced, usually at roadside.

Expedited Action Triggering Incidents

If an inspection reveals a “triggering incident,” FMCSA initiates expedited action such as a safety audit, compliance investigation, or an expedited action warning letter. FMCSA has identified seven triggering incidents posing the greatest safety threats:

- 1 A driver without a valid CDL.
- 2 Operating a vehicle declared OOS.
- 3 A hazardous materials (HM) reportable incident involving radioactive materials, explosives, or inhalable poisons.
- 4 Two or more HM incidents with HM other than those above.
- 5 A driver who tests positive for drugs or alcohol or refuses to take a test.
- 6 Operating without proper insurance.
- 7 Having a driver or vehicle OOS rate greater than 50% or longer than 90 days.

Drug and Alcohol Clearinghouse

Employers must register to meet Clearinghouse regulations. Learn how by visiting [clearinghouse.fmcsa.dot.gov/learn](https://www.fmcsa.dot.gov/clearinghouse) and downloading this brochure: www.fmcsa.dot.gov/regulations/drug-alcohol-testing/drug-and-alcohol-testing-brochure-drivers.

Electronic Logging Devices (ELDs)

All carriers and drivers subject to the ELD rule must use ELDs capable of either telematic data transfer or local transfer. Learn more at www.fmcsa.dot.gov/hours-service/elds/electronic-logging-devices.

Exceptions to the ELD Rule include:

- Drivers using paper logs no more than 8 days in any 30-day period;
- Driveaway-towaway drivers (transporting a vehicle for sale, lease, or repair), if the vehicle driven is part of the shipment or the vehicle transported is a motor home or recreational vehicle trailer; and
- Drivers of vehicles manufactured before model year 2000.

HM, HHG and ADA Compliance

Some new entrants must also comply with:

- Hazardous Materials (HM) Regulations
- Household Goods (HHG) Regulations
- The Americans with Disabilities Act (ADA)

HHG and ADA compliance are not factors in passing a safety audit but may result in investigation by other federal and state agencies.

Chameleon Carriers

Carriers may not register for a new U.S. DOT number to avoid civil penalties or previous OOS Orders. If a carrier provides false information or hides information to apply for a U.S. DOT number, FMCSA may issue an OOS Order and/or fine.

Out-of-Service Order

A new entrant may not operate in interstate commerce on or after the effective date of an OOS order. Operating a CMV in violation of an OOS order results in federal fines and penalties. Depending on state laws, a federal OOS order result suspension and/or revocation of state vehicle registration privileges.

Additional New Entrant Information

- **New Entrant website:** www.fmcsa.dot.gov/safety/new-entrant-safety-assurance-program
- Before the new entrant safety audit, visit the **Motor Carrier Safety Planner website:** csa.fmcsa.dot.gov/safetyplanner
- Review **Federal Motor Carrier Safety Regulations** at www.fmcsa.dot.gov or call the FMCSA Information Line: 1-800-832-5660
- Make **PIN requests and electronic registration updates** through the FMCSA Registration website: www.fmcsa.dot.gov/registration
- **Review company safety records**, including inspections, violations, and crashes at ai.fmcsa.dot.gov/sms or visit portal.fmcsa.dot.gov for real-time safety data.
- **Warning:** Motor carriers may receive confusing or misleading **solicitations from service providers or third-party administrators** by telephone, e-mail, text, or U.S. Mail. The U.S. Government does not endorse private businesses or vendors and **FMCSA does NOT require the use of a service provider. FMCSA does not request credit card numbers nor charge a fee for downloadable forms**, which are available at www.fmcsa.dot.gov/registration/forms.



The NEW ENTRANT Safety Assurance Program



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

ABOUT THE NEW ENTRANT PROGRAM

A new entrant is a U.S. or Canada-based motor carrier (but not a Mexico-domiciled carrier) that applies for a U.S. Department of Transportation (DOT) identification number to begin operating in interstate commerce.

New entrants must complete form MCS-150 (Motor Carrier Identification Report) which is available at www.fmcsa.dot.gov/registration/forms or apply online at portal.fmcsa.dot.gov/UrsRegistrationWizard.

OPERATING AUTHORITY

Companies that operate for-hire (for a fee or other compensation), transporting passengers or goods or arranging for their transport in interstate commerce, must have interstate operating authority. To apply, complete the appropriate OP-1 series form, using the Registration and Compliance Assistant at portal.fmcsa.dot.gov/UrsRegistrationWizard.

The New Entrant Period

FMCSA monitors new entrants for 18 months through a safety audit and roadside inspections. New entrants must operate safely; maintain up-to-date records; conduct periodic inspections; perform maintenance on commercial motor vehicles (CMV); and pass the safety audit.

The Safety Audit and Comprehensive Investigation

A certified U.S. Federal safety investigator, safety auditor, or state or provincial enforcement officer conducts the audit and investigation, with participation of the motor carrier (potentially including managers, drivers, mechanics, and other staff).

When: FMCSA usually conducts a safety audit *within 12 months of when a new entrant begins operations*. FMCSA may conduct a comprehensive investigation any time safety data indicates significant safety problems requiring further investigation.

Where: Safety audits and comprehensive investigations usually take place at the principal place of business. FMCSA may conduct a safety audit or a comprehensive investigation at an agreed location or ask a carrier to provide documents by electronic upload, fax, or email.

Safety Audit and Comprehensive Investigation Components

Post-Crash Investigation	49 CFR Part 390
Financial Responsibility	49 CFR Part 387
Vehicle Safety Maintenance	49 CFR Parts 393 and 396
Controlled Substance Testing & Driver Review	49 CFR Parts 382, 383, 391, and 392
Hours of Service	49 CFR Part 395
Hazardous Materials	49 CFR Parts 171–180
Household Goods	49 CFR Part 375



AUTOMATIC FAILURE OF THE SAFETY AUDIT

A new entrant will *automatically fail* the Safety Audit for any of the following:

Alcohol and Drug Violations

- No alcohol and/or drug testing program.
- No RANDOM alcohol and/or drug testing program.
- Using a driver who refused a required alcohol or drug test.
- Using a driver the company knows had a blood alcohol content of 0.04 or greater.
- Using a driver who tested positive for drugs.

Driver Violations

- Using a driver without a valid Commercial Driver's License (CDL), or who is disqualified, is medically unqualified, or has a revoked, suspended, or cancelled CDL.

Operator Violations

- Operating a motor vehicle without the required level of insurance.
- Failing to use required Electronic Logging Devices (ELDS) or failing to require drivers to properly record hours of service.

Repair and Inspection Violations

- Operating a vehicle declared Out-of-Service (OOS) for safety deficiencies before repairs are made.
- Not performing OOS repairs reported in driver-vehicle inspection reports (DVIRs).
- Operating a CMV that has not been periodically inspected.

Safety Audit Results

- If passed, FMCSA will continue to monitor safety compliance and performance.

- If failed, the new entrant must submit an acceptable corrective action plan or FMCSA will revoke the registration. Submit the plan to the carrier's FMCSA Regional Service Center. See www.fmcsa.dot.gov/mission/field-offices.
- A new entrant carrying passengers or hazardous materials requiring placards has 45 days to submit evidence of corrections, and all other new entrant carriers have 60 days to submit evidence.

Safety Audit Administrative Review

If a new entrant believes a failed safety audit was in error, the carrier may request an administrative review in writing to the Field Administrator at its FMCSA Regional Service Center.

- List all facts and include supporting documents.
- Submit additional information if requested.
- Attend a conference with Field Administrator if requested.