

DANNEMILLER BULLETIN

(August 30, 2013)

VIOLATION CATEGORY ADDITIONS TO THE CSA SAFETY MEASUREMENT SYSTEM (SMS)

The Federal Motor Carrier Safety Administration (FMCSA) has added two violations to the Safety Measurement System. One is a result of recent changes in the Hours-of-Service regulations, and the other is based on a more detailed description of existing controlled substance and alcohol regulations.

Driving beyond 8-hour limit: 7 "severity weight" points will be applied to the SMS score for "*Driving beyond the 8-hour limit since the end of the last off-duty or sleeper period of at least 30 minutes*". Mark Banks at the PUCO advises that this will not be considered an out-of-service violation, so the driver will not be held, and there would be no additional "severity weight" points. Therefore, the number of points added to your score at the time of this violation would be 7 "severity weight" points X 3 "time weight" factor points, for a total of 21 points. This would reduce over time to 14 points after six months and 7 points after one year, and drop of after two years.

Driver in possession of intoxicating beverage: 3 "severity weight" points will be applied to the SMS score for "*Driver in possession of intoxicating beverage while driving*". This violation was formally in the same scoring category as "use of an intoxicating beverage" which carried a "severity weight" score of 10. This now allows inspectors to distinguish, from a scoring standpoint, between possession and use, with possession carrying the lower score. Should have been this way from the start. Same methodology in "time weighted" scoring as in previous paragraph.

Feel free to contact me if any questions.

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