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The North Dakota Motor Carriers Association has been publishing the Rolling Along magazine since 1948. Each issue provides members with information concerning their association and the issues impacting the trucking industry.



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NEWS & NOTES FROM THE EXECUTIVE VICE PRESIDENT



MIKE GERHART
mike@ndmca.org

Hello Members,

On August 7th NDMCA Board members Mark Wolter; Midnite Express and Paul Gibree; Strata Corporation along with Jamie Jenison from Dixon Insurance and Interstate Truck Licensing participated in a No-Zone demonstration at NDDOT's Ford Driving Skills for Life event. This event was held at the Fargo Armed Forces Reserve Center as part of the Vision Zero campaign with over 140 teen drivers attending. The Vision Zero campaign focuses on eliminating fatalities and serious injuries on North Dakota roadways. The Ford Driving Skills for Life event was created to increase awareness around the issue of teen driver safety. This program was established in 2003 by the Ford Motor Company Fund, the Governors Highway Safety Association, and a panel of safety experts to teach newly licensed teens the necessary skills for safe driving beyond what they learn in standard driver education programs. The importance of this program is reflected in the following statistics:

- In North Dakota, there are almost 29,000 teenage drivers.

- In 2018, ND teenage drivers accounted for 5 percent of all licensed drivers but were behind the wheel in nearly 21% of all crashes.
- Teen drivers were involved in 10% of fatal crashes for the same time period.

The NDMCA is proud to support the Vision Zero campaign and thankful for the opportunity to participate in this event. I would like to extend my gratitude to Mark, Paul, and Jamie for dedicating their time and effort to help educate North Dakota's young drivers and fulfilling the mission of the NDMCA. Your commitment to safety deserves a sincere thank you.

Sincerely,
Mike Gerhart



MEMBER NEWS

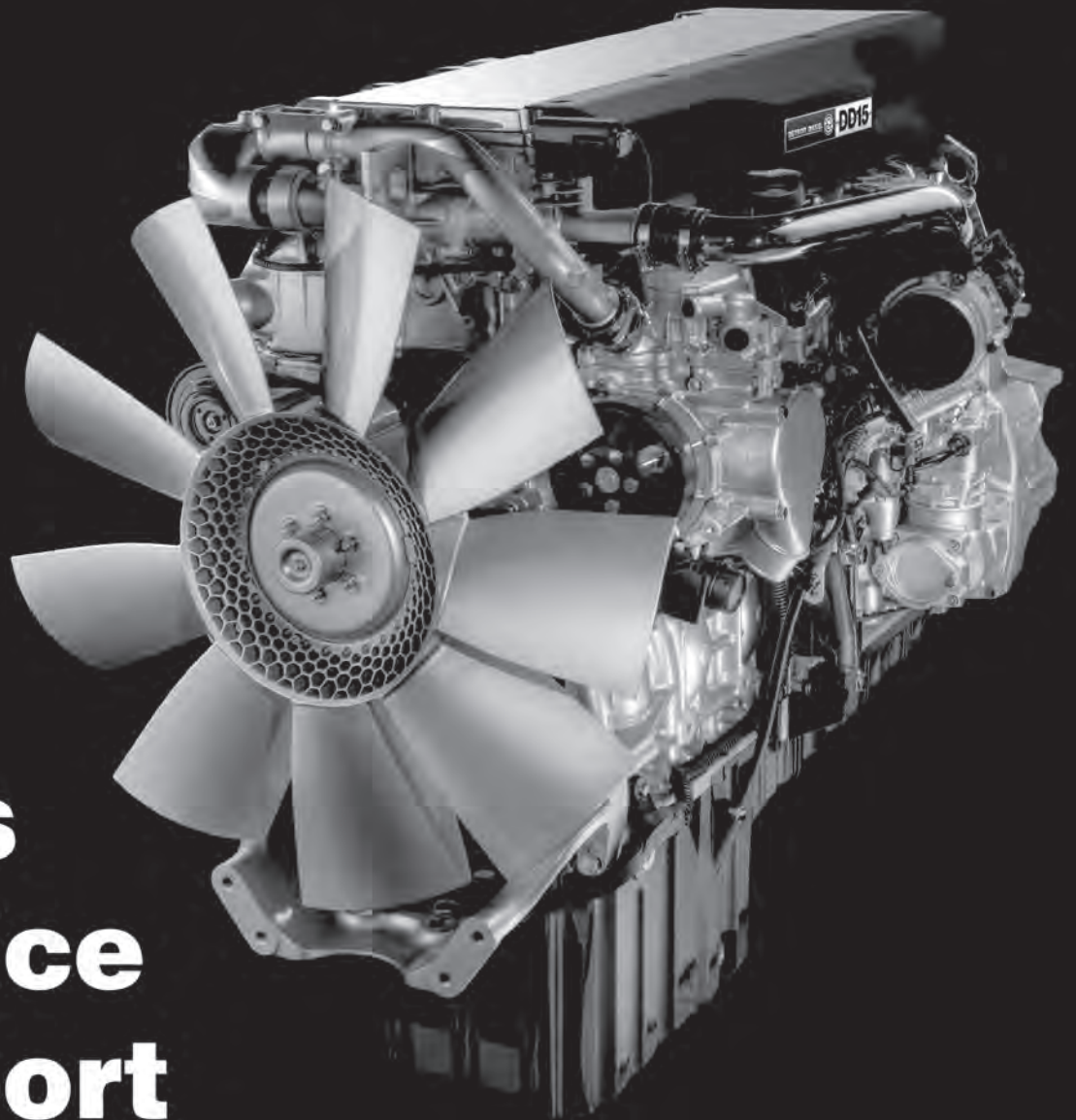
The North Dakota Motor Carriers Association would like to welcome the following new members, who joined with the Association between December 2018 and June 2019. We look forward to working with you in the years to come.

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PRESIDENT'S MESSAGE

Greetings NDMCA Members!

Hello Members. I had the opportunity to attend the annual Foundation Golf Tournament in August. The funds raised go towards the NDMCA's Foundation Vision campaign which provides scholarships as well as promotes the trucking industry through research and image campaigns. Although the weather didn't cooperate, I was very impressed with the commitment displayed by all who attended. We had 47 golfers pre-register for the event and 47 showed up to play and support the NDMCA foundation. I would like to extend my thanks to all who attended the tournament, the sponsors for their generosity, and for the NDMCA staff and all who worked behind the scenes making the day a success.



Pat Severson



*Pictured from left to right,
First Place Winners
Eric Johnson, Kelly Krapu,
Chase Raymond, Jim Armfield*

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FOUNDATION NEWS



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CYBERSECURITY IN NORTH DAKOTA

Darin Hanson & Tony Aukland, North Dakota State & Local Intelligence Center



Averaging 200,000 intrusion attempts a day, the State of North Dakota is virtually under constant attack. Our NDIT Cyber team members must be right all the time, the attackers only have to get lucky once. Of course, the state networks are only a part of the overall cybersecurity of North Dakota as a whole. Fortunately, there are considerable efforts and resources available to help us all ensure that we are putting our best foot forward in the cybersecurity realm.

In 2017, the North Dakota State & Local Intelligence Center (NDSLIC) began the formation of a joint public/private Cybersecurity Task Force to help address where we are, as a state, in cybersecurity when we include both private industry and government. Two additional tasks assigned to the group were to determine how we can raise the overall level of cybersecurity across all infrastructure and effective response to a cyber-attack. The work is far from over, but the initial outcomes are encouraging.

One major accomplishment of the effort was the passage of legislation to ensure that private sector companies who experience a cyber incident can share the information with the NDSLIC without fear of an open record request exposing their information. At the NDSLIC, we can't help you or anyone else if we don't know you are under attack or have fallen victim to a cyber-attack. While, in most cases, we can't come out to your site to help you get back up and running, we can point you in the right direction on where to begin. We can also take information about the attack, such as how it was able to infect your systems and what happened when it did, and "arm" other trusted partners about the attack and how they can protect themselves, all while not revealing who was impacted in the first place.

Work is ongoing from the Task Force to finalize a response plan that will coordinate state, local, federal and military resources into response efforts, not only government cyber incidents but private sector critical infrastructure partners as well. There is a significant push across all levels of industry and government to increase cybersecurity resources, but budgets and a lack of qualified employees are making this difficult. For now, most businesses are having to "do what they can, with what they have, where they are."

Some of the most common incidents the NDSLIC has seen across industry over the past two years are phishing and ransomware. Phishing is an attack where a victim is tricked into clicking on a fraudulent link which can lead to numerous types of cyber-attack. It is the genesis of 90% - 95% of all cyber incidents. However, we see a lot of events mushroom from

compromised credentials and devices without determining the origin. Ransomware is a cyber-attack in which a victim's computer files are "locked out" and the criminal requests a ransom to retrieve your files. You might think the best way to protect your organization from these attacks is to buy more gadgets to put on your network, but that is not always the case. Here are some tips you can implement right away.

- **Educate your staff** = Security Awareness Training can reduce the risk of a data breach / cybersecurity incident by 70%
- **Use Strong Passwords** = Make your passwords unique, make passphrases. Be sure not to use easily guessable passwords, for example, a season and year (Summer2019!). Change your passwords regularly
- **Think before you click** = be sure not to click on a link you are unsure of, check the web site destination by simply hovering over the link.
- **If in doubt, throw it out** = if an email raises any doubt, whether by an unknown sender or unusual request, delete it.

If you have the majority, if not all of these tactics in place, you are well on your way to creating a more secure network environment. Inevitably, there will come a time when you need some help or advice. Fortunately, there are numerous free resources out there to take advantage of. Here are a few of our favorites:

North Dakota State & Local Intelligence Center – A state of North Dakota effort combining the ND Information Technology Department, ND Department of Emergency Services/Homeland Security Division, ND National Guard, Bureau of Criminal Investigation, ND Highway Patrol. The NDSLIC offers state and regional products, training and presentations to help secure the citizens from all crimes, hazards, and cybersecurity incidents. www.ndslc.nd.gov

North Dakota InfraGard - <https://www.ndinfragard.org/>

U.S. Department of Homeland Security, CISA - <https://www.dhs.gov/CISA>

Stay Safe Online - <https://staysafeonline.org/>

Center for Internet Security - <https://www.cisecurity.org/>

If you would like more information on the ND State & Local Intelligence Center or you would like to report suspicious activity or a cyber incident, please feel free to reach out to Tony Aukland or Darin Hanson at ndslc@nd.gov or call us at 701-328-8172.

GOVERNMENT NEWS

NDDOT LAUNCHES RECORD REVIEW

Jennifer Blumhagen

In June 2019, the Motor Carrier section of the NDDOT launched a new Record Review service for North Dakota based motor carriers enrolled in IRP (International Registration Plan) and IFTA (International Fuel Tax Association). The goal of this project is to help carriers understand and comply with the sometimes complex IRP and IFTA recordkeeping requirements, especially with the increase in ELD use. The Record Review process is similar to an IRP or IFTA audit, but there are significant differences.

First, the purpose of a Record Review is simply to determine if the carrier is meeting the recordkeeping requirements described in the IRP Plan and IFTA Procedures Manual. The reviewer will review the recordkeeping system the carrier is using and determine if it is in compliance with program requirements.

Second, there will be no financial assessments imposed as a result of a Record Review, even if the records are found to be noncompliant. The reviewer will provide a report describing any areas of noncompliance and instructions on how to achieve compliance. A follow up review will be conducted at some point in the future to determine if the recommended adjustments have

been made.

As a member of IRP and IFTA, the state of North Dakota is required to randomly audit a predetermined number of carriers each year. If we fail to complete the required number of audits, we risk being suspended from participating in the IRP and IFTA programs. This would have severe negative impacts on our North Dakota carriers and interstate commerce in general. Those of you who have had an IRP or IFTA audit know that an audit can be a lengthy, time-consuming process. The length of time a full audit takes can make it difficult to meet our audit requirements. Fortunately, Record Reviews can be used as a supplement to meet our audit requirements.

In closing, the Record Review service is first and foremost a tool designed to help carriers understand and meet the IRP and IFTA recordkeeping requirements. The Motor Carrier section and Audit Division teams thank you for your assistance in completing these reviews and audits. If you have any suggestions on how we can better assist you, please reach out to us at motorcarrier@nd.gov



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LEGAL REQUIREMENTS OF SPECIAL MOBILE EQUIPMENT

Trooper John Sova MCSAP Coordinator, North Dakota Highway Patrol

Whenever exemptions from laws are granted, it can cause confusion for industry and enforcement officials. Exemptions for special mobile equipment (SME) is one that has led to confusion when it comes to registration and safety compliance. Depending on the level of government; Federal, State, or Local, which provides the exemption will determine which laws are exempt. It usually does not identify which laws still require compliance. We will delve deeper into laws surrounding SME to provide a clearer direction on SME exemptions.

SME is defined by ND Century Code (NDCC) under 39-01-01 (82), as every vehicle not designed or used primarily for the transportation of property and only incidentally operated or moved over a highway. Based on this definition, it usually needs to be a piece of equipment that is primarily moved between locations. The transportation of the equipment is incidental to the designed function of the equipment.

An SME can be operated under its' own power or as a trailer. Examples of SME's operating under their own power include concrete pump trucks, haystack movers, coil tubing trucks, cranes, and work-over rigs. Examples of SME's that are towed include: combine header trailers, portable offices not used for storage or transporting property, enclosed toilets and showers mounted on a trailer, flare stacks, generators, light towers, and frac tanks. These examples are not inclusive but provide an idea of the types of vehicles that fall into the definition of an SME.

NDCC 39-04-18 (2) exempts vehicles meeting the definition of an SME from registration requirements. This means that ND Motor Vehicle Department will not title or license these vehicles. Since the exemption for SME is found within the registration section of NDCC, this is the only place the exemption applies. SME would still meet the definition of a motor vehicle, vehicle, trailer or semi-trailer and would be subject to the rest of ND laws, including driver and vehicle equipment requirements. SME's are only

exempt from registration in ND and it does not exempt them from safety requirements.

The Code of Federal Regulations for commercial motor vehicles outlines the safety requirements for commercial motor vehicles. There is no definition for SME found within the federal regulations. We can find an interpretation within Part 390.5 discussing off-

road construction equipment, but these vehicles are not made to operate in traffic, and we are provided with examples such as scrapers, backhoes, tractors and motor graders. We also find that, like the state, SME meet the definition of a commercial motor vehicle, motor vehicle, and trailer. The vehicle equipment requirements found in Part 393 are applicable to motor vehicles and combinations of motor vehicles that meet the definition of a CMV. SME meet all these definitions so SME's must follow the Federal Regulations. This would include Part 396 which deals with inspection, repair, and maintenance records. These must be maintained for an SME to include the annual periodic inspection, just like any other CMV.

Exemptions are given many places throughout Federal, State, and Local law. These exemptions usually have a limited scope and only apply to limited areas of the law. Also, they only apply to the level of jurisdiction covered by the governing body that issued the exemption. Federal exemptions are normally applicable at the state level because ND state law adopts the Federal exemptions for in-state operations.



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INDUSTRY NEWS

PROFESSIONAL DRIVER TRAINING PROGRAM

Richard Rasmussen, CDL Instructor, Cankdeska Cikana Community College

Cankdeska Cikana Community College (CCCC) is located in Fort Totten, North Dakota, on the Spirit Lake Tribe Reservation and emphasizes the importance of student learning and teaching effectiveness. The mission of CCCC is to provide opportunities that lead to student independence and self-sufficiency through academic achievement and continuation of the Spirit Lake Dakota language and culture. The College is dedicated to providing excellence in education and the services necessary for students to succeed.

The Professional Driver Training Program at Cankdeska Cikana Community College was launched in the spring semester of 2015. This was made possible with North Dakota State funds through the Tribal College Grant. CCCC was able to purchase equipment; semi-tractor, trailer, and simulator; hire an instructor; renovate space to create a CDL classroom, simulator room, and office space. CCCC now owns a state-of-the-art Peterbilt tractor equipped with a PeopleNet system to facilitate and teach communication between the company and driver.

During the 16 week-long certification program in Professional Driver Training, students compile between 160 hours and 180 hours of over-the-road (OTR) training, simulator practice, and classroom time to obtain their class A license. Some of the courses included in the classroom time are log book training, trip planning, weight distribution, and load securement. The goal of the program is the students' obtainment of a Commercial Driver's License followed by the subsequent earning of multiple endorsements such as Hazmat training, tanker, and doubles and triples. Students can also pursue a class B license (bus endorsement).



Since the 2015 inception of the Professional Driver Training program at CCCC, 40 students have completed one or both endorsements.

Of those 40 students, 36 are employed in the transportation industry. Following are comments from two of our CDL students:

- Ron Kopperdahl

"I can guarantee that the CDL Program at Cankdeska Cikana Community College will put you in the driver's seat. The Financial Aid at the college and the program are very impressive. The level of support from Richard Rasmussen and his staff is very unique. I highly recommend the College CDL program." Proud alumnus of CCCC.



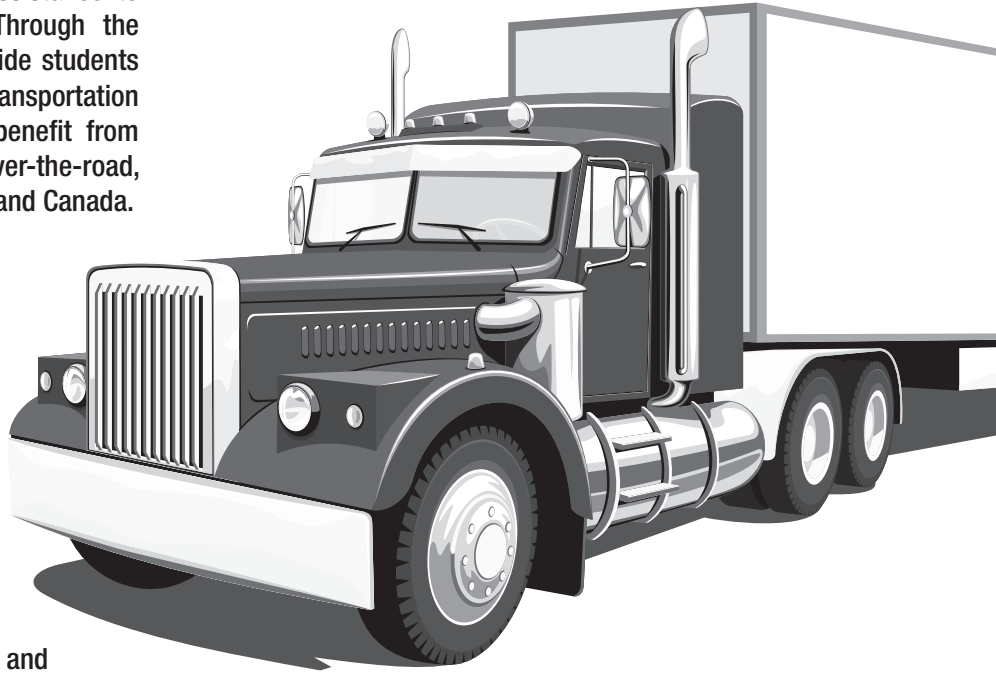
- Nodin Azure, (pictured above)

"I greatly appreciated the opportunity that Cankdeska Cikana Community College provided me. The CDL program helped me gain skill for the truck driving industry. Getting my CDL opened a lot of doors for jobs due to the high demand for drivers. North Dakota has the highest pay average for truck drivers throughout the country. I currently work for a company which is a railroad contractor. Thank you CCCC."

Our goal at CCCC is to provide training and assistance to our students along with improved life skills. Through the Professional Driver Training program we also provide students with the opportunity to pursue a career in the transportation industry. After completing the course, students benefit from the opportunity to obtain a high paying job as an over-the-road, regional, or local driver in ND or throughout the US and Canada.

Although our program continues to provide success for our students, we are looking forward to additional growth. We are looking at expanding the program by adding a driving range, additional instructors, and equipment. Future plans for the CCCC Professional Driver Training program include the opportunity for employers in the community and surrounding areas to receive customized training for their drivers through the use of the simulator, review, and hands-on practice.

“Overall, the CCCC Professional Driving Program takes a hands-on approach to give students the opportunity to learn and receive certificates and endorsements. We let them know they can succeed and follow their dream to success.” Richard Rasmussen, CDL Instructor





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INDUSTRY NEWS

NORTH DAKOTA HIGHWAYS EARN TOP HONORS IN NATIONWIDE REPORT ON SAFETY, CONDITIONS

Eugene Mulero, Staff Reporter for Transport Topics

North Dakota's infrastructure, congestion levels and safety record propelled the state to the top spot in a recent report that chronicled the performance of highway systems nationwide. New Jersey, meanwhile, ranked last in the country.

The Reason Foundation's 24th Annual Highway Report ranked Virginia, Missouri, Maine and Kentucky behind North Dakota as states with overall exemplary surface transportation conditions.

Pavement and bridge conditions, highway expenditures per mile, urbanized area congestion and fatality rates were among the 13 factors the report's authors analyzed to determine a state's ranking.

"The top-performing states tend to be a mix of high-population and low-population states," according to the report. "Very rural states may have a slight advantage."

Published last month, the report indicated that Virginia moved 25 spots to rank second primarily due to a decrease in the state's number of structurally deficient bridges. "However, the

state still has room for improvement," the report said. It added: "Virginia may need to dedicate more of its resources to reducing congestion."

States with the lowest performance records included Massachusetts, Hawaii, Rhode Island, Alaska and New Jersey.

"Unfortunately, due to system inefficiency including high costs, we remain skeptical that the increased revenue will improve the overall system," the report's authors indicated about the Garden State's move during former Republican Gov. Chris Christie's era to raise state fuel taxes to fund infrastructure repairs.

In specific categories, the report determined commuters in New Jersey, New York, California and Georgia spent more than 50 hours per year in traffic congestion. In Iowa, Pennsylvania, Rhode Island, South Dakota and West Virginia, 18% or more of the bridges in those states are classified as structurally deficient. That classification often means structures are safe but would benefit from maintenance. And South Carolina, Mississippi,



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Kentucky, Alaska, and Louisiana were found to have the highest overall fatality rates per 100 million vehicle-miles.

“States do not need to engage in a spending bonanza to improve their systems. But there is some evidence that a small increase in spending could yield a significantly better system,” the report concluded.

According to the report, data from the Federal Highway Administration, the National Bridge Inventory and states’ highway fatality rates were used, as well as data from INRIX Research and the American Community Survey.

The report’s authors were Baruch Feigenbaum, assistant director of transportation policy at the Reason Foundation; Spence Purnell, policy analyst at the Reason Foundation; and Gregory

Fields, an independent transportation research consultant.

“In looking at the nation’s highway system as a whole, there was a decades long trend of incremental improvement in most key categories, but the overall condition of the highway system has worsened in recent years,” Feigenbaum said in a statement August 22. “This year, we see some improvement on structurally deficient bridges, but pavement conditions on rural and urban highways are declining, the rise in traffic fatalities is worrying, and we aren’t making needed progress on traffic congestion in our major cities.”

This story originally appeared in Transport Topics and is used by permission.

In North Dakota, the Special Olympics Truck Convoy has been an Annual Event since 2005.

The NDMCA would like to extend our gratitude for all who participate!



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INDUSTRY NEWS

TIME RUNNING LOW FOR FLEETS TO CONVERT AOBDRS TO ELDs

Stephen Bennett, Special to Transport Topics

Although the federal electronic logging device mandate has been in effect for nearly two years, the regulation will take full force later this year when an exemption for older e-log systems is set to expire.

Motor carriers that continue to use grandfathered systems known as automatic onboard recording devices, or AOBDRs, have until Dec. 16 to update their onboard technology to compliant ELDs.

Technology vendors said many of their fleet customers have completed that transition, while others have begun the process.

Carriers that are still waiting to make the switch should get started now, they said.

Doyle Sims & Sons Trucking Inc., a 125-truck operation based in Gleason, Tenn., did not wait until the deadline to convert its AOBDRs to ELDs.

“We just got done,” Sheena Brooks, the company’s logistics analyst, said Aug. 9. “We wanted to get ahead of the curve a little bit in case there were any issues either with the firmware or our drivers.”

Most over-the-road motor carriers have been required to use ELDs instead of paper logbooks to automatically record drivers’ hours-of-service information since December 2017. However, the Federal Motor Carrier Safety Administration has allowed carriers that had installed AOBDRs to continue using them for two years beyond the deadline.

“People are now resigned to the fact that the regulation is going to stick,” said Sid Nair, senior director of transport and compliance of Teletrac Navman.

Fleet operators that still need to update their AOBDRs and companies dissatisfied with the initial purchase they made to comply with the 2017 mandate are facing many of the same challenges, Nair said, including training drivers on how to use the ELD and ensuring that back-office workers know how to transfer logs.

The pace of conversion has been picking up since the beginning of the summer and continues to increase, vendors said.

More than 80% of Trimble Transportation’s customers are in the process of migrating, said Alicia Jarosh, vice president of customer experience. Most are aiming to be finished by



mid-to-late November at the latest, she said.

J.J. Keller & Associates said that it had transitioned 90% of its AOBDR customers to ELDs.

Aspects of the process can be more time-consuming than might be expected, vendors and carriers said. Technology suppliers warned that a rush near the deadline could result in delays.

“The time to transition is now,” said Mike Ahart, vice president of regulatory affairs for Omnitracs. “Waiting until later in the year may put you in a long line of motor carriers and drivers who need assistance. ELD providers will be working with their customers on a first-come, first-served basis. However, there may be those who have been identified as ‘strategic customers’ who get priority, causing everyone else to fall further behind in the line.”

Others agreed that fleets still holding off on updating their AOBDRs could run into difficulties.

“If they’re waiting, they’re making a big mistake,” said Allan Hanson, health, safety and environmental manager at Refinery Specialties Inc., an oil field services company based in Hempstead, Texas.

Refinery Specialties completed its conversion this summer and found that the project went smoothly with the help of its vendor, J.J. Keller, but it was unavoidably time-consuming, Hanson said.

“It’s hard to get every single one of your people into a training class or get them on a webinar,” he said. “We’re still training employees on accepting log edits. Training is ongoing — all the time.”

Fleets that operate multiple terminals can convert them one by one to avoid “everybody going through this major process at the same time,” suggested Fred Fakkema, vice president of compliance at Zonar Systems.

Trimble created a dashboard for each customer going through the transition.

“They can look at their migration status real time,” Trimble’s Jarosh said. “[The dashboard shows carriers] where they’re at in terms of number of terminals that have migrated, that have yet to be migrated, drivers that are migrated and that have yet to be migrated.”

Adam Bruttell, MiX Telematics’ vice president of sales and marketing for North America, said the majority of his company’s customers have made the switch. Carriers dissatisfied with their first choice of ELD and looking for a replacement are part of the current market, too, he said.

Carriers that do business with owner-operators are dealing with added complexity, according to Pam Jones, senior consultant with Fleetworthy Solutions, a company specializing in regulatory compliance and consulting.

“A fleet can’t mandate that [owner-operators] are going to use this or that [device],” Jones said. “The fleet’s office staff really has to be fluent in multiple different vendor platforms.”

Educating and training drivers and managers doesn’t end once the ELDs are up and running. There is a need for continuous coaching after the switch, vendors and carriers said.

Unassigned drive time is a particular stumbling block for operators making the switch from AOBDRs to ELDs, Nair and others said.

“When we first started getting customers on ELDs, this was the biggest hindrance, and the biggest obstacle for drivers to learn and understand,” Nair said.

“The unassigned issue is kind of a curious one,” said Tom Bray, an industry consultant at J.J. Keller.

If a driver on the road rejects the unassigned drive time, it enters the unassigned driver account in the administrative system. The company must assign it to a specific driver or explain why it couldn’t be assigned.

“There’s no third option,” Bray said, noting that AOBDR users could build “ghost” or generic driver accounts for road tests, yard moves — “all those odd miles that turn up in a fleet.”

“The first thing that needs to happen is thorough training for drivers and anyone else who will be using the ELDs,” Refinery Specialties’ Hanson said. “Train them very well before the transition takes place.”

At Doyle Sims, converting the AOBDRs to ELDs went smoothly, Brooks said.

“The transition was not as cumbersome as I thought it was going to be,” she said. “We didn’t have any problems.”

The vendor, Zonar Systems, trained Brooks and her colleague, John Bizzle, who is in charge of safety, compliance and training, to update the software on the proprietary Zonar tablets.

Starting in May, and averaging five trucks per workday, converting the fleet took two months, Brooks said.

Every day, Brooks ran a report to see which trucks were in the yard and coming to the yard. After sending a firmware update from her computer to a specific unit, “We would go out to the truck, power it up, allow the firmware to download and then there were just a few simple steps,” she said.

“We would reboot the tablet a couple of times, cycle the engine three times, and then do a test run. We’d drive the truck around the yard a little bit, make sure everything downloaded like it should — and it was done,” she added.

Because the ELD is “more strict” than the AOBDR that the carrier was using, driver coaching continues, Brooks said.

“I met with as many of the drivers as I could one-on-one,” she said.

She directed drivers’ attention to a few visual changes to the onscreen graphics and repeated how to log on properly, emphasizing how sensitive the device is, she said.

“I can tell you the exact time you powered your engine on, when you logged into your tablet and any movement that has been made,” Brooks added.

She and Bizzle told each driver that they must know how long they’ve been off duty and how many hours they have to work that day and that week “before you do anything with your truck.”

That learning process continues.

“Daily we are doing log audits,” Brooks said. “Every day we’re reaching out to some driver, coaching them.”

Data management is another facet of the ELD transition.

Depending on their choice of ELD, carriers that have used AOBDRs might risk losing valuable data, according to Jim Griffin, chief operating officer and chief technology officer at Fleet Advantage, a provider of asset management and consulting for Class 8 fleets.

Carriers that have been using AOBDRs “are used to a pretty rich data set that has evolved over time,” Griffin said.

The ELD mandate, however, brought many new vendors to the market, some of which are focused primarily on meeting the ELD requirements for HOS and driver logs rather than capturing a wealth of data on fleet operations.

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INDUSTRY NEWS

FMCSA PROPOSES 3-YEAR DELAY FOR STATES TO COMPLY WITH CLEARINGHOUSE RULE

Eleanor Lamb Staff Reporter *Transport Topics*

The Federal Motor Carrier Safety Administration has issued a notice of proposed rulemaking to extend the date by which state driver licensing agencies must comply with certain Drug and Alcohol Clearinghouse rule requirements.

The Clearinghouse is an online repository of data that carriers, state driver licensing agencies and law enforcement officials will be able to use to check a commercial driver license holder's drug and alcohol violations.

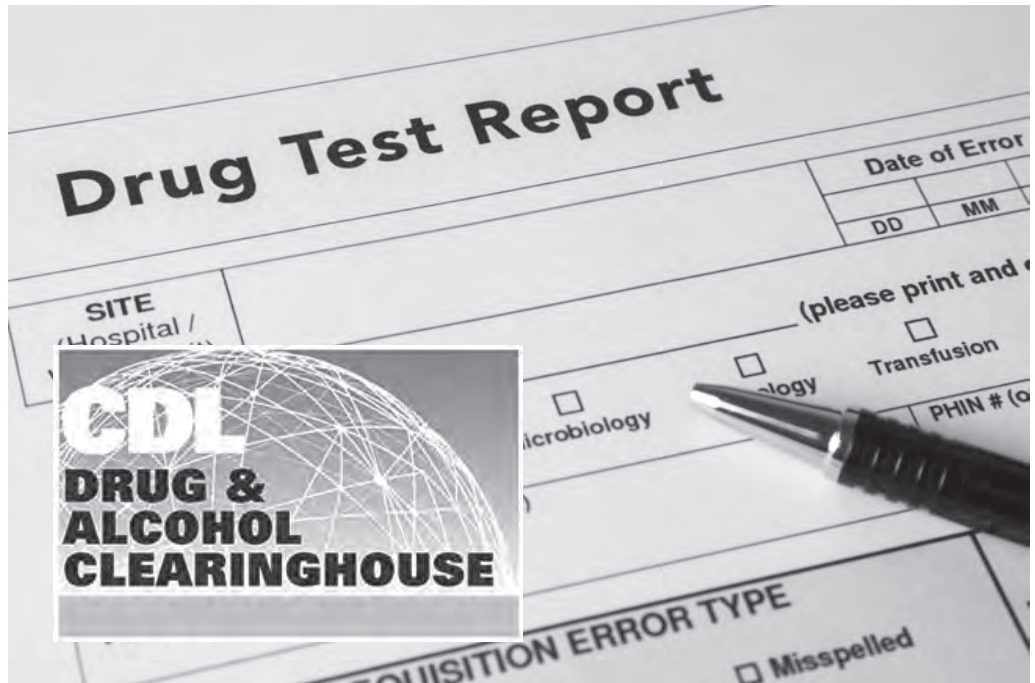
According to a notice that was scheduled for publication in the Federal Register on Sept. 6, the NPRM would delay by three years the compliance date for the requirement that states request information from the Clearinghouse before completing certain commercial driver license transactions. Under the proposal, the compliance date, due to begin Jan. 6, would be pushed to Jan. 6, 2023.

The proposal also would allow states the option to voluntarily query Clearinghouse information beginning on Jan. 6. They may do this by registering in the Clearinghouse as an authorized user and logging in to view a driver's record.

According to the Federal Register document, the proposed delay is necessary to allow FMCSA time to complete its rulemaking to address state driver licensing agencies' access to and use of driver-specific information from the Clearinghouse.

The American Association of Motor Vehicle Administrators asserted the final rule didn't address various issues related to states' role in the Clearinghouse, such as what states are expected to do with the information they receive from the Clearinghouse, what privacy and data controls would be in place for data transmission and how erroneous records would be corrected. FMCSA said it will address these concerns.

"The agency intends to publish a separate proposed rule, which will specifically address the issues raised by AAMVA," the Federal Register document states. "Delaying the implementation



of the query requirement would provide FMCSA additional time to resolve AAMVA's concerns and ensure a seamless implementation of the states' Clearinghouse-related requirements."

FMCSA stated that it anticipates this follow-up NPRM will be published no later than March 1, 2020. The final rule resulting from this proposal will establish the date by which states will ultimately need to achieve compliance, although the agency does not anticipate this final compliance date will be sooner than Jan. 6, 2023.

FMCSA said it has concluded that the delay will not impact highway safety.

The original Jan. 6, 2020 compliance date will remain in place for all other requirements spelled out in the Clearinghouse rule. The rule requires drivers to register and consent to carriers checking their record for failed drug tests or refusals to take drug tests. Employers are required to check the Clearinghouse as part of pre-employment driver investigations and screen each of their currently employed CDL drivers at least once a year.

FMCSA is accepting public comment on the NPRM through Oct. 6.

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UPCOMING EVENTS

Safety and Compliance Seminars

October 15th Mandan, ND

October 17th Fargo ND

October 22nd Williston, ND

DOT Compliance, HOS, CSA, and regulatory guidance training provided by the Federal Motor Carrier Safety Administration.

To register go to www.ndmca.org

Truck Maintenance Seminars

October 16th Mandan, ND

October 18th Fargo, ND

October 23rd Williston, ND

Annual Vehicle Inspection, Load Securement, and Automated Driving Systems.

To register go to www.ndmca.org



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