Accident Register/What is a Recordable Crash

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Presented By | Safety Management Services Company

Cottingham & Butler

Presenter

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WELCOME!

Send your questions to “send privately”.

Questions will be answered after the presentation.

Supporting information for this Webinar will be emailed out shortly after the presentation.

Form MCS-90 - Financial Responsibility for Motor Carriers

Print

Financial responsibility means having insurance policies or surety bonds sufficient to satisfy the minimum public liability requirements. ***Public liability*** means liability for bodily injury, property damage, and environmental restoration. ***Environmental restoration*** means restitution for the loss, damage, or destruction of natural resources arising out of an accidental discharge of toxic or other environmentally harmful materials or liquids.

Requirements for Financial Responsibility
Motor carriers of property operating commercial motor vehicles in interstate, foreign, or intrastate commerce, and for-hire carriers of passengers operating in interstate or foreign commerce must have at least the minimum amount of insurance required by law. (See the Schedule of Limits in this folder for minimum levels of financial responsibility.)

Proof
The motor carrier must have proof of the minimum level of insurance at the company's principal place of business.

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MCS-90

Provided by the motor carrier's insurance company.

May be requested during a Compliance Review.

Make sure the MCS 90 has been countersigned.

A motor carrier found to be operating without the minimum levels of financial responsibility coverage is an ACUTE violation of the regulations.

MINIMUM LEVELS OF FINANCIAL LIABILITY

§ 387.9 Financial responsibility, minimum levels.

Disclaimer
Interpretation
Help

The minimum levels of financial responsibility referred to in §387.7 of this subpart are hereby prescribed as follows:

Schedule of Limits—Public Liability

Type of carriage	Commodity transported	January 1, 1985
(1) For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,001 or more pounds)	Property (nonhazardous)	$750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,001 or more pounds)	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper -type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2 and 1.3 materials. Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403	5,000,000
(3) For-hire and Private (In interstate or foreign commerce, in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,001 or more pounds)	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials, and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below	1,000,000
(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,001 pounds)	Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403	5,000,000

DOT-RECORDABLE CRASH (§ 390.5)

The FMCSA defines a recordable accident (regardless of fault) as an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:

- A **fatality**;
- **Bodily injury** to a person who, as a result of the injury, immediately receives medical treatment away from the scene; or,
- One or more vehicles incurring **disabling damage** as a result of the accident, requiring the motor vehicles to be transported away from the scene by a **tow** truck or other motor vehicle.

ACCIDENT REGISTER

§ 390.15 Assistance in investigations and special studies.

(a) Each motor carrier and intermodal equipment provider must do the following:

(1) Make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative, or authorized third party representative within such time as the request or investigation may specify.

(2) Give an authorized representative all reasonable assistance in the investigation of any accident, including providing a full, true, and correct response to any question of the inquiry.

(b) For accidents that occur after April 29, 2003, motor carriers must maintain an accident register for three years after the date of each accident. For accidents that occurred on or prior to April 29, 2003, motor carriers must maintain an accident register for a period of one year after the date of each accident. Information placed in the accident register must contain at least the following:

(1) A list of accidents as defined at §390.5 of this chapter containing for each accident:

(i) Date of accident.

(ii) City or town, or most near, where the accident occurred and the State where the accident occurred.

(iii) Driver Name.

(iv) Number of injuries.

(v) Number of fatalities.

(vi) Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident, were released.

(2) Copies of all accident reports required by State or other governmental entities or insurers.

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ACCIDENT REGISTER

390.15(b)(2) Copies of all accident reports required by State or other governmental entities or insurers.

Question 3: What types of documents must a motor carrier retain to support its accident register and be in compliance with §390.15(b)?

Guidance: The documents required by §390.15(b)(2) include all information about a particular accident generated by a motor carrier or driver to fulfill its accident reporting obligations to State or other governmental entities or that motor carrier's insurer. The language of paragraph (b)(2) does not require a motor carrier to seek out, obtain, and retain copies of accident reports prepared by State investigators or insurers.

Part 390 - Although the interpretation of Part 390 does not specifically require that a motor carrier obtain a state accident report for their files, I recommend that a carrier obtain this type of report whether through the law enforcement agency or C & B claims department.

ACCIDENT REGISTER

Question 1: May a motor carrier create an accident register of its own, or is there a specified form that must be used?

Guidance: There is no specified form. A motor carrier may create or use any accident register as long as it includes the elements required.

ACCIDENT REGISTER

FROM ____________________, 20____ TO ____________________, 20____

Date & Hour of Accident		Location of Accident			No. of Deaths	No. of Non-Fatal Injuries	H/M	Driver's Name	Copy of State or Insurance Report
Date	Hour	Street Address	City	State					

ACCIDENT REGISTER

Compare to the CSA and Compass Portal and make sure the crashes listed are on your accident register.

Also list any crashes that meet the recordability criteria even if not listed on the CSA (could be a delay in state reporting).

Report			Crash			
Date	Number	State	Fatal	Inj.	Tow.	HM
6/6/2016	IN0902718190	IN	1	1	Yes	No
12/7/2015	MD15A0172944	MD	0	0	Yes	No
12/7/2015	MD15A0172944	MD	0	0	Yes	No
8/23/2015	OH0156102402	OH	0	0	Yes	No
5/11/2015	NYSP20872970	NY	0	1	Yes	No
3/1/2015	OH0156028329	OH	0	0	Yes	No
11/27/2014	NYSP19448050	NY	0	1	Yes	No
9/1/2014	NYSP18775810	NY	0	1	Yes	No

Accident Register

Identify the non-compliance entry:

Motor Carrier___Bernard Industries Transport, INC.___						From__01/01/2015___ TO___12/31/2015____							
Driver's Name	Truck #	Trailer #	Acc #	DOL	City	State	Accident Category Code	Injured #	Fatality #	Vehicle Towed (Y/N)	Drug/Alcohol Test (Y/N)	Hazmat Spilled (Y/N)	Description
Kyle Statz	667	993	1	04/04/2015	Jonesboro	AR	1	N	N	Y	N	N	Driver rear-ended claimant.

QUESTIONS

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