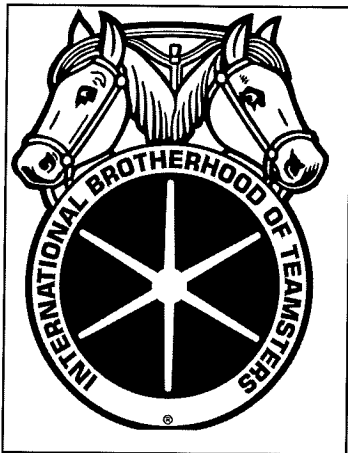


MEMORANDUM



TO: All U.S. IBT Local Unions, Trade Divisions and Trade Conferences

FROM: LaMont Byrd, Director *LB*
IBT Safety and Health Department

DATE: December 9, 2015

RE: FMCSA - New Rule Prohibiting Coercion of Commercial Motor Vehicle Drivers

Please be advised that the Federal Motor Carrier Safety Administration (FMCSA) published a new rule that prohibits motor carriers, shippers, receivers, or transportation intermediaries (including their agents, officers, or representatives) from coercing commercial motor vehicle drivers to violate federal safety regulations. The FMCSA defines “coercion” as described below.

390.5

Coerce or Coercion means either:

A threat by a motor carrier, shipper, receiver, or transportation intermediary, or their respective agents, officers or representatives, to withhold business, employment or work opportunities from, or to take or permit any adverse employment action against, a driver in order to induce the driver to operate a commercial motor vehicle under conditions which the driver stated would require him or her to violate one or more safety regulations.

The final rule enhances the Agency’s enforcement action for violations involving the Federal Motor Carrier Safety Regulations (FMCSRs) as follows:

- Hours-of-service (HOS) limitations,
- Commercial driver’s license (CDL) requirements,
- Drug and alcohol testing,
- Transportation of hazardous materials, and
- Commercial regulations applicable to interstate household goods movers and passenger carriers.

A summary of a few key elements of the new rule are provided below.

- **390.6:** A motor carrier, shipper, receiver, or transportation intermediary (including their agents, officers, or representatives) may not coerce a CMV driver into operating the vehicle in violation of any of the Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations.

- **386.12(e):** A driver alleging a violation of the above must file a written complaint with FMCSA within 90 days after the event, at <http://nccdb.fmcsa.dot.gov>. (Drivers may call 1-800-368-7238 for information on filing a written complaint). Each complaint must be signed by the driver and must contain:
 - (i) The driver's name, address, and telephone number;
 - (ii) The name and address of the person allegedly coercing the driver;
 - (iii) The provisions of the regulations that the driver alleges he or she was coerced to violate; and
 - (iv) A concise but complete statement of the facts relied upon to substantiate each allegation of coercion, including the date of each alleged violation.
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- The FMCSA will investigate all valid complaints that include the above information and will notify the driver of the results. Violators of the rule can be fined up to \$16,000. The driver's name must be included in the complaint and the alleged violator during the investigation so the facts can be gathered.

This final rule is effective **January 29, 2016** (60 days from publication). To view the new rule, follow this link: <http://www.gpo.gov/fdsys/pkg/FR-2015-11-30/pdf/2015-30237.pdf>