



Department of  
Motor Vehicles

# New York State Department of Motor Vehicles 19-A Program Updates

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# NYS Drug and Alcohol Law

- Effective December 22, 2018
- Requires motor carriers to conduct pre-employment and random drug testing on all school bus drivers regardless of license endorsements/restrictions
- Testing must be in accordance with Part 382 of Title 49 of the CFR's (Code of Federal Regulations)
- Only applies to school bus as defined in 142 of the Vehicle and Traffic Law

# NYS Drug and Alcohol Law

## V&TL 142. School Bus:

Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

# Driver Pools

- USDOT covered employees
  - Drivers required by part 383 to obtain a CDL
- Non-USDOT covered employees
  - School bus drivers who do not require a CDL under **federal** law
  - Operate a school bus with a GVWR of less than 26,000 pounds
  - Hold a CDL with a Passenger (P) endorsement and are restricted to carrying 15 or fewer passengers
    - N1 restriction- No vehicle designed for 15 or more passengers
    - N2 restriction- No vehicle designed for 8 or more passengers

# Driver Pools

- FMCSA regulations prohibit Non-USDOT covered employees from being included in the random pool of USDOT covered employees
- Carriers that employ both USDOT and Non-USDOT drivers must maintain two separate random test pools:
  - USDOT
  - Non-USDOT
- USDOT tests must be completely separate from non-USDOT tests
- USDOT forms cannot be used for non-USDOT tests

# 19-A Compliance

- Pre-employment testing must be conducted before adding a driver to the 19-A roster
- Carriers must maintain a copy of the test results in the 19-A driver file for all drivers (USDOT covered and Non-USDOT covered)
- USDOT results satisfy the 19-A requirement. These drivers do not need to be tested again as part of the Non-USDOT pool
- Volunteer drivers who are not required to be in 19-A are not subject to drug and alcohol testing under this law

# Additional Amendment

- 509-I of the Vehicle and Traffic law has been amended to:

No motor carrier shall require or permit a driver to:

(b) be on duty or operate a bus if, by such person's general appearance or by such person's conduct or by other substantiating evidence, such person appears to have consumed a drug, controlled substance or an intoxicating liquor within the preceding six hours, **or eight hours when such driver operates a school bus as defined by section one hundred forty-two of this chapter**

# Medical Certification National Registry II Update

- Extended until June 22, 2021
- What this means for you:
  - You must continue to provide a copy of your medical examiner's certificate, Form MCSA-5876, to the Department of Motor Vehicles Med Cert Unit each time a new medical exam is performed
  - You must continue to carry your Medical Examiner's Certificate, Form MCSA-5876, as proof of medical certification for at least 15 days following certification.



# INSULIN DEPENDENT DIABETES

- FMCSA has revised its regulations to permit individuals with a stable insulin regimen and properly controlled Insulin Treated Diabetes Mellitus (ITDM) to be qualified to operate Commercial Motor Vehicles (CMV) in Interstate Commerce
- Individuals with ITDM must be evaluated and have form MCSA-5870 completed by his or her “treating clinician” \*
- Driver will then submit the completed MCSA-5870 to his medical examiner who will determine whether the individual meets the physical qualification standards in 391.41 to operate a CMV
- Medical Examiners Certificates will be valid for up to one year

\* Treating clinician is the healthcare professional who manages and prescribes insulin for the treatment of the individuals diabetes mellitus

# INSULIN DEPENDENT DIABETES

- Individuals are not physically qualified to operate a CMV if they are not maintaining a stable insulin regimen and not properly controlling their diabetes
- Individuals are permanently disqualified from operating if they have either severe non-proliferative diabetic retinopathy or proliferative diabetic retinopathy
- Any individual with ITDM who experiences a severe hypoglycemic episode after being certified as physically qualified to operate a CMV is prohibited from operating until his or her “treating clinician” has determined the cause, determined that they driver is again stable and completes a new MCSA-5870

# INSULIN DEPENDENT DIABETES

## Grandfathered Waivers

- “Grandfathered” variances will no longer be valid
- FMCSA will notify “grandfathered” drivers of the new requirements
- Implementation date November 19, 2019

## 2017 Regulation Changes 'recap' Behind The Wheel (BTW) Road Test

- Must be conducted within 30 days of hire if within the previous year:
  - The driver did not work for a 19-A carrier; or
  - The driver did work for a 19-A carrier, but operated a lower class vehicle than they will operate for you
- If the driver did work for a 19-A carrier within the previous year, and operated a vehicle in the same or higher class than they will operate for you:
  - BTW must be conducted within 2 years of the last test given by the previous 19-A carrier; or
  - Within 30 days if you cannot verify the date that the BTW was conducted by the previous employer

# 2017 Regulation Changes 'recap' Behind The Wheel (BTW) Road Test

## Examples:

A bus driver is hired on 3/15/2019. The driver did not work for another 19-A carrier within the last 12 months. This driver **MUST** be tested by 04/15/2019.

A bus driver is hired on 09/01/2018. He has a CDL B and will operate Class B vehicles for you company. The driver previously worked for a 19-A company operating class B vehicles and had a BTW road test conducted on 06/01/2018. This driver must be given the BTW road test by 06/01/2019.

# 2017 Regulation Changes 'recap' Behind the Wheel (BTW) Road Test

A copy of the DS-875 must be retained in your driver file!

If you cannot obtain a copy of the BTW road test, you will need to conduct the test within 30 days of hire.

Failure to have a DS-875 in your driver file will result in violations being incurred during a record review.

# 2017 Regulation Changes 'recap'

## Certified Examiners and Related Carrier Responsibilities

- Amended to allow a Certified Examiner who has a CDL C license to conduct a BTW road test for a person who has a class B license if the test is conducted in a class C type vehicle
- Carriers are required to add/drop Certified Examiners within 10 days of the date of hire or termination
- For every 100 drivers, a carrier must use the services of at least one certified examiner

# Upcoming CDL-15 Changes

- DS-870 [Article 19-A Bus Driver Applications] are now required for every driver when carrier is enrolling in 19-A
- Changed the definition of Hire Date. Hire Date is now the date the driver is added to 19-A system.
- Clarified that carrier files must contain procedures for all drivers (active and inactive) for the current year and the past three years
- Diabetic Follow ups must be submitted using form DS-704 [Article 19-A Bus Drivers Diabetic Follow-up]. No other form will be accepted.
- Blood Pressure Follow ups must be submitted using form DS-703 [Article 19-A Bus Drivers Blood Pressure Follow Up by Drivers Health Care Provider]



# Common Compliance Issues

- Failing to obtain pre-employment abstracts
  - Abstract must be pulled prior to adding the driver to 19-A
- Carriers are not reviewing procedures
  - Depending on medical practice to monitor when medical follow ups are due
  - Relying solely on CE's

Ultimately it is the carriers responsibility to ensure the files are complete and accurate

- Is every page there?
- Is every box checked?
- Medical follow ups?

# Common Compliance Issues

## Driver Disqualifications

- Medical : 48%
- Biennial BTW Driving Test: 36%
- Oral or Written Examination: 16%

## Driver Violations

- Medical related 26%
- Abstracts 24%
- Biennial driving tests 20%
- Defensive driving 10%
- Annual review of employees driving record 10%
- Biennial oral or written tests 10%



Questions?



# Contact Information

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