



Corrective Actions and Performance Requirements for Acute and Critical Violations

This job aid pertains to 100% States.

A carrier is subject to intervention based on the discovery of Acute and Critical Violations found during a previous investigation. They are briefly described below:

- Violations of **Acute** regulations are those where noncompliance is so severe that they require immediate corrective action by a carrier regardless of its overall safety posture.
- Violations of **Critical** regulations are those which relate directly to the carrier’s management and/or operational controls and are indicative of breakdowns in a carrier’s management controls. Discovery of violations in at least 10% of the records checked and a pattern (more than one occurrence) results in a Critical Violation.

Verification of corrective action can occur in several different ways depending on whether the violation is Type A or Type B.

- **Type A Violations**—Acute and Critical Violations for which corrective action can be demonstrated through carrier-submitted documentation. For these violations, a carrier can supply the evidence of corrective action listed in the table below at any time. Even if corrective action is received, the associated Behavior Analysis and Safety Improvement Category (BASIC) will remain as Investigation-Identified for 12 months. After 12 months, the Acute and Critical Violations will no longer impact the overall BASIC assessment, but will become a factor in prioritizing the carrier for intervention.
- **Type B Violations**—Acute and Critical Violations for which corrective action can only be demonstrated through a carrier’s sustained on-road performance. These are primarily related to the Hours-of-Service (HOS) Compliance, 392.2 (any BASIC) and 392.9(a)(1) within the Vehicle Maintenance BASIC.
 - For the **392.2 (any BASIC) and 392.9(a)(1) within the Vehicle Maintenance BASIC**, the carrier must have 12 months free of any related violation.
 - For the **HOS Compliance BASIC**, the table on page 1 gives the number of HOS-violation-free driver inspections that are required to meet the performance-based criteria, based on the carrier’s number of Power Units. The inspections must be the most recent.

Type B Violations
On-road Performance Standards for the HOS Compliance BASIC

No. of Power Units	Required No. of Clean Inspections (most recent)
1–5	3
6–25	5
26–50	8
51–90	13
91–150	20
151–280	32
281–400	50
401–500	68
501–1,200	80
1,201–3,200	125
3,201–10,000	200
10,001–35,000	315
35,001–150,000	500



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It should be noted that the corrective actions listed in the following table are the minimum requirements designed to ensure correction of a given violation. It is important that the carrier proposes a systematic correction of the discovered violation to prevent the violation from occurring in the future in accordance with 49 CFR Part 390.3(e), knowledge of and compliance with the Federal Motor Carrier Safety Regulations





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Part	Violation	BASIC	Type A or B	Corrective Action
171.15	Carrier failing to give immediate telephone notice of an incident involving hazardous materials (HM).	HM Compliance	A	<ul style="list-style-type: none"> • Provide a copy of the incident report. • Provide a statement on how this issue was handled. • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
171.16	Carrier failing to make a written report of an incident involving HM.	HM Compliance	A	<ul style="list-style-type: none"> • Provide a copy of the incident report. • Provide a statement on how this issue was handled. • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
172.313(a)	Accepting for transportation or transporting a package containing a poisonous-by-inhalation material that is not marked with the words "Inhalation Hazard."	HM Compliance	A	<ul style="list-style-type: none"> • Provide evidence to support that required package marking has occurred. • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
172.704(a)(4)	Failing to provide security awareness training.	HM Compliance	A	<ul style="list-style-type: none"> • Provide evidence of policies, procedures and training to prevent this violation from occurring in the future.
172.704(a)(5)	Failing to provide in-depth security awareness training.	HM Compliance	A	<ul style="list-style-type: none"> • Provide evidence of policies, procedures and training to prevent this violation from occurring in the future.
172.800(b)	Transporting HM without a security plan (acute) / Transporting HM without a security plan that conforms to Subpart I requirements (acute) / Failure to adhere to a required security plan.	HM Compliance	A	<ul style="list-style-type: none"> • Provide a copy of a Security Plan that conforms to Part 172.800 and training program for in-depth security training.
172.802(b)	Failure to make copies of security plan available to HM employees.	HM Compliance	A	<ul style="list-style-type: none"> • Provide a copy of the incident report. • Provide a copy of a Security Plan. • Provide a statement on how this issue was handled. • Provide evidence of policies, procedures and training to prevent this violation from occurring in the future. n.





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173.24(b)(1)	Transporting HM in a package with an identifiable release of HM.	HM Compliance	A	<ul style="list-style-type: none"> • Provide a copy of the incident report and a copy of shipping paper to identify the HM, and package identification markings in accordance with 178.3. • Provide evidence of policies, procedures and training to prevent this violation from occurring in the future.
173.421(a)	Accepting for transportation or transporting a Class 7 (radioactive) material described, marked, and packaged as a limited quantity when the radiation level on the surface of the package exceeds 0.005mSv/hour (0.5 mrem/hour).	HM Compliance	A	<ul style="list-style-type: none"> • Provide evidence which demonstrates knowledge of and correct use of radiation meter. • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
173.431(a)	Accepting for transportation or transporting in a Type A packaging a greater quantity of Class 7 (radioactive) material than authorized.	HM Compliance	A	<ul style="list-style-type: none"> • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
173.431(b)	Accepting for transportation or transporting in a Type B packaging a greater quantity of Class 7 (radioactive) material than authorized.	HM Compliance	A	<ul style="list-style-type: none"> • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
173.441(a)	Accepting for transportation or transporting a package containing Class 7 (radioactive) material with external radiation exceeding allowable limits.	HM Compliance	A	<ul style="list-style-type: none"> • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
173.442(b)	Accepting for transportation or transporting a package containing Class 7 (radioactive) material when the temperature of the accessible external surface of the loaded package exceeds 50° C (122° F) in other than an exclusive use shipment, or 85° C (185° F) in an exclusive use shipment.	HM Compliance	A	<ul style="list-style-type: none"> • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.



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Part	Violation	BASIC	Type A or B	Corrective Action
173.443(a)	Accepting for transportation or transporting a package containing Class 7 (radioactive) material with removable contamination on the external surfaces of the package in excess of permissible limits.	HM Compliance	A	<ul style="list-style-type: none"> Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
177.800(c)	Failing to train HM employees as required (§ 172.704(a) and § 177.800(c))	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future. Provide documentation that personnel received the training; up to three (3) persons.
177.801	Transporting a material identified in 49 CFR 172.101 as forbidden for highway transportation.	HM Compliance	A	<ul style="list-style-type: none"> Provide shipping papers from date of Investigation to ensure that no documented HM that is forbidden was transported.
177.817(a)	Transporting an HM without preparing a shipping paper (§ 172.200(a) and § 177.817(a))(no shipping paper at all)	HM Compliance	A	<ul style="list-style-type: none"> Provide an example of properly prepared shipping paper for each class of HM for which a shipping paper was improperly prepared. Provide evidence of policies, procedures and training to prevent this violation from occurring in the future.
177.817(e)	Failing to maintain proper accessibility of shipping papers.	HM Compliance	A	<ul style="list-style-type: none"> Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
177.823(a)	Moving a transport vehicle containing HM that is not properly marked or placarded.	HM Compliance	A	<ul style="list-style-type: none"> Provide photographic evidence of properly marked or placarded vehicle. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
177.835(a)	Loading or unloading a Class 1 (explosive) material with the engine running.	HM Compliance	A	<ul style="list-style-type: none"> Provide a statement on how this issue was handled. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.





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Part	Violation	BASIC	Type A or B	Corrective Action
177.835(c)	Accepting for transportation or transporting Division 1.1, 1.2, or 1.3 (explosive) materials in a motor vehicle or combination of vehicles that is not permitted.	HM Compliance	A	<ul style="list-style-type: none"> Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
177.835(j)	Transferring Division 1.1, 1.2, or 1.3 (explosive) materials between containers or motor vehicles when not permitted.	HM Compliance	A	<ul style="list-style-type: none"> Provide a statement on how this issue was handled. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
177.841(e)	Transporting a package bearing a poison label in the same transport vehicle with material marked or known to be foodstuff, feed, or any edible material intended for consumption by humans or animals unless an exception in §177.841(e)(i) or (ii) is met.	HM Compliance	A	<ul style="list-style-type: none"> Provide a statement on how this issue was handled. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
180.407(a)	Transporting a shipment of HM in a cargo tank that has not been inspected or retested in accordance with § 180.407.	HM Compliance	A	<ul style="list-style-type: none"> Provide Cargo Tank Certificate and proof of test for up to three (3) units. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
180.407(c)	Failing to periodically test and inspect a cargo tank.	HM Compliance	A	<ul style="list-style-type: none"> Provide a Cargo Tank Certificate and proof of test for up to three (3) units. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
180.415	Failing to mark a cargo tank which passed an inspection or test required by §180.407.	HM Compliance	A	<ul style="list-style-type: none"> Provide proof of proper marking (i.e., photographs) Provide evidence of cargo tank inspection or test. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.





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180.417(a)(1)	Failing to retain cargo tank manufacturer's data report certificate and related papers, as required.	HM Compliance	A	<ul style="list-style-type: none"> • Provide copies of specification cargo tank's manufacturer certificate, the manufacturer's ASME U1A data report, where applicable and required related documents; up to three (3) DOT specification cargo tanks. • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
180.417(a)(2)	Failing to retain copies of cargo tank manufacturer's certificate and related papers (or alternative report) as required.	HM Compliance	A	<ul style="list-style-type: none"> • Provide evidence of cargo tank manufacturer's certificate. • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
382.115(a)	Failing to implement an alcohol and/or controlled substance testing program.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Provide proof contract with Consortium/Third Party Administrator (C/TPA) and/or collection site if applicable and up to three pre-employment test(s) conducted on all drivers hired during the previous 365 days. • Test results, supervisor reasonable suspension training if applicable. • Control custody forms, policy, active random driver list.
382.115(b)	Failing to implement an alcohol and/or controlled substance testing program.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Provide proof contract with C/TPA and/or collection site if applicable and up to three pre-employment test(s) conducted on all drivers hired during the previous 365 days. • Test results, supervisor reasonable suspension training if applicable. • Control custody forms, policy, active random driver list.



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382.201	Using a driver known to have an alcohol content of 0.04 or greater to perform a safety sensitive function.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • SAP evaluation; evidence of a return to duty test and all follow-up tests results. • If an employee has been terminated, the carrier must submit a written statement providing a date of termination. • Assuming the driver is going to drive: SAP evaluation; evidence of a return to duty test and all follow-up test results if applicable. • Assuming the driver is not going to drive: Statement regarding that fact.
382.211	Using a driver who has refused to submit to an alcohol or controlled substances test required under Part 382.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • SAP evaluation; evidence of a return to duty test and all follow-up tests results. • If an employee has been terminated, the carrier must submit a written statement providing a date of termination. • Assuming the driver is going to drive: SAP evaluation; evidence of a return to duty test and all follow-up test results if applicable. • Assuming the driver is not going to drive: Statement regarding that fact.
382.213(b)	Using a driver known to have used a controlled substance.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • SAP evaluation; evidence of a return to duty test and all follow-up tests results. • If an employee has been terminated, the carrier must submit a written statement providing a date of termination. • Assuming the driver is going to drive: SAP evaluation; evidence of a return to duty test and all follow-up test results if applicable. • Assuming the driver is not going to drive: Statement regarding that fact.



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382.215	Using a driver known to have tested positive for a controlled substance.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • SAP evaluation; evidence of a return to duty test and all follow-up tests results. • If an employee has been terminated, the carrier must submit a written statement providing a date of termination. • Assuming the driver is going to drive: SAP evaluation; evidence of a return to duty test and all follow-up test results if applicable. • Assuming the driver is not going to drive: Statement regarding that fact.
382.301(a)	Using a driver before receiving a negative pre-employment result.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Provide pre-employment drug test results on every driver cited. • If a cited driver is no longer employed with the carrier, motor carrier must submit a written statement providing the date the driver ceased employment with the motor carrier. Provide a list of drivers hired since the last investigation, including the first trip date, and negative pre-employment test results.
382.303(a)	Failing to conduct post-accident testing on driver for alcohol.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Provide post-accident test results for any driver involved in a crash requiring a post-accident test since last investigation. • Provide a copy of Controlled Substance and Alcohol policy in accordance with 382.601.
382.303(b)	Failing to conduct post-accident testing on driver for controlled substances.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Provide post-accident test results for any driver involved in a crash requiring a post-accident test since last investigation. • Provide a copy of Controlled Substance and Alcohol policy in accordance with 382.601.



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382.305	Failing to implement a random controlled substances and/or an alcohol testing program.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Provide evidence of contract with C/TPA and/or collection site, if applicable. • Provide a list of all names of drivers in random testing pool and include information on how the random pool is administered. • Provide test results and CCF if applicable.
382.305(b)(1)	Failing to perform random alcohol tests at the applicable rate.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Provide evidence of contract with C/TPA and/or collection site, if applicable. • Provide a list of all names of drivers in random testing pool and include information on how the random pool is administered. • Provide test results and CCF if applicable.
382.305(b)(2)	Failing to perform random controlled substance tests at the applicable rate.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Provide evidence of contract with C/TPA and/or collection site, if applicable. • Provide a list of all names of drivers in random testing pool and include information on how the random pool is administered. • Provide test results and CCF if applicable.
382.309	Using a driver without a return to duty test.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Validate compliance with 49 CFR Part 40 Subpart O. • Provide a copy of Controlled Substance and Alcohol policy in accordance with 382.601.
382.309(a)	Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Validate compliance with 49 CFR Part 40 Subpart O. • Provide a copy of Controlled Substance and Alcohol policy in accordance with 382.601.
382.309(b)	Using a driver who has not undergone a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Validate compliance with 49 CFR Part 40 Subpart O. • Provide a copy of Controlled Substance and Alcohol policy in accordance with 382.601.





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382.503	Allowing a driver to perform safety sensitive functions, after engaging in conduct prohibited by subpart B of part 382, without being evaluated by a substance abuse professional, as required by § 382.605. (§ 382.503, cross referencing part 40, Subpart O).	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • SAP evaluation; evidence of a return to duty test and all follow-up tests results. • If an employee has been terminated, the carrier must submit a written statement providing a date of termination. • Assuming the driver is going to drive: SAP evaluation; evidence of a return to duty test and all follow-up test results if applicable. • Assuming the driver is not going to drive: Statement regarding that fact.
382.505(a)	Using a driver within 24 hours after being found to have an alcohol concentration of 0.02 or greater but less than 0.04.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • SAP evaluation; evidence of a return to duty test and all follow-up tests results. • If an employee has been terminated, the carrier must submit a written statement providing a date of termination. • Assuming the driver is going to drive: SAP evaluation; evidence of a return to duty test and all follow-up test results if applicable. • Assuming the driver is not going to drive: Statement regarding that fact.
382.605(c)(1)	Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than .02 or with verified negative test result, after engaging in conduct prohibited by part 382 Subpart B.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Validate compliance with 49 CFR Part 40 Subpart O. • Provide a copy of the Controlled Substance and Alcohol policy in accordance with 382.601 and provide proof of supervisory training.
382.605(c)(2)(ii)	Failing to subject a driver who has been identified as needing assistance to at least six unannounced follow-up alcohol and/or controlled substance tests in the first 12 months following the driver's return to duty.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> • Validate compliance with 49 CFR Part 40 Subpart O. • Provide a copy of the Controlled Substance and Alcohol policy in accordance with 382.601.





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383.23(a)	Operating a CMV without a valid CDL.	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence that State Motor Vehicle Records show that the issue has been resolved. If an employee has been terminated, the carrier must submit a written statement providing a date of termination.
383.3	Knowingly using a driver who does not possess a valid CDL.	Driver Fitness	A	<ul style="list-style-type: none"> Current State MVR driving record. If employee has been terminated, carrier must submit a written statement providing a date of termination.
383.37(a)	Knowingly allowing, requiring, permitting, or authorizing an employee to operate a CMV with a CDL which is suspended, revoked, or canceled by a State or who is disqualified to operate a CMV as defined in part 383 (§ 383.37(a)) (safety-related reasons).	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence that State Motor Vehicle Records show issue has been resolved. If an employee has been terminated, the carrier must submit a written statement providing a date of termination.
383.37(b)	Knowingly allowing, requiring, permitting, or authorizing an employee with more than one CDL to operate a commercial motor vehicle.	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence that driver now has only one license, updated Moving Violation Records (MVR). FMCSA/State to confirm through available systems.
383.37(c)	Knowingly allowing, requiring, permitting, or authorizing an employee with more than one commercial driver's license to operate a commercial motor vehicle	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence that driver now has only one license, updated Moving Violation Records (MVR). FMCSA/State to confirm through available systems.
383.51(a)	Knowingly allowing, requiring, permitting, or authorizing a driver who is disqualified to drive a CMV.	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence that State Motor Vehicle Records show issue has been resolved. If an employee has been terminated, the carrier must submit a written statement providing a date of termination.
387.31(a)	Operating a passenger-carrying CMV without having in effect the required minimum levels of financial responsibility.	Insurance/ Other	A	<ul style="list-style-type: none"> Provide a copy of properly executed insurance endorsement - MCS-90 or MCS-90B.
387.31(d)	Failing to maintain at principal place of business required proof of financial responsibility for passenger-carrying vehicles.	Insurance/ Other	A	<ul style="list-style-type: none"> Provide a copy of properly executed insurance endorsement – MCS-90 or MCS-90B.





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387.7(a)	Operating a motor vehicle transporting property without having in effect the required minimum levels of financial responsibility coverage.	Insurance/ Other	A	<ul style="list-style-type: none"> Provide a copy of properly executed insurance endorsement – MCS -90 or MCS-90B.
387.7(d)	Failing to maintain at principal place of business required proof of financial responsibility.	Insurance/ Other	A	<ul style="list-style-type: none"> Provide a copy of properly executed insurance endorsement – MCS-90 or MCS 90B.
390.15(b)(2)	Failing to maintain copies of all accident reports required by State or other governmental entities or insurers.	Insurance/ Other	A	<ul style="list-style-type: none"> Provide copies of accident report(s) for the past one year as required by 49 CFR section 390.15(b) (2).
390.35	Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records.	Applies to Multiple BASICS	A	<ul style="list-style-type: none"> Division discretion
391.11(b)(4)	Knowingly using a physically unqualified driver.	Driver Fitness	A	<ul style="list-style-type: none"> Provide a current medical certificate with waiver if applicable.
391.15(a)	Knowingly using a disqualified driver.	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence to show driver is no longer disqualified (current MVR). If an employee has been terminated, the carrier must submit a written statement providing a date of termination.
391.45(a)	Using a driver not medically examined and certified.	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence of a valid medical examiner's certificate or proof of waiver and/or exception issued by Agency for requested drivers.
391.45(b)(1)	Using a driver not medically re-examined each 24 months.	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence of a valid medical examiner's certificate or proof of waiver and/or exception issued by Agency for requested drivers.
391.51(a)	Failing to maintain a driver qualification file on each driver employed.	Driver Fitness	A	<ul style="list-style-type: none"> Provide complete DQ files; up to three (3) files which include newly hired drivers if applicable.
391.51(b)(2)	Failing to maintain inquiries into driver's driving record in driver's qualification file.	Driver Fitness	A	<ul style="list-style-type: none"> Provide evidence of inquiry of driver's record.





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391.51(b)(7)	Failing to maintain medical examiner's certificate in driver's qualification file.	Driver Fitness	A	<ul style="list-style-type: none"> Provide copies of ME certificates.
392.2	Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated (§ 392.2) (safety-related violations only).	Multiple BASICs	B	<ul style="list-style-type: none"> Division discretion
392.4(b)	Requiring or permitting a driver to drive while under the influence of, or in possession of, a narcotic drug, amphetamine, or any other substance capable of rendering the driver incapable of safely operating a motor vehicle.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
392.5(b)(1)	Requiring or permitting a driver to drive a motor vehicle while under the influence of, or in possession of, an intoxicating beverage.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> SAP evaluation; evidence of a return to duty test and all follow-up tests results. If an employee has been terminated, the carrier must submit a written statement providing a date of termination. Assuming the driver is going to drive: SAP evaluation; evidence of a return to duty test and all follow-up test results if applicable. Assuming the driver is not going to drive: Statement regarding that fact.
392.5(b)(2)	Requiring or permitting a driver who shows evidence of having consumed an intoxicating beverage within 4 hours to operate a motor vehicle.	Controlled Substances/ Alcohol	A	<ul style="list-style-type: none"> SAP evaluation; evidence of a return to duty test and all follow-up tests results. If an employee has been terminated, the carrier must submit a written statement providing a date of termination. Assuming the driver is going to drive: SAP evaluation; evidence of a return to duty test and all follow-up test results if applicable. Assuming the driver is not going to drive: Statement regarding that fact.



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392.6	Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed.	Unsafe Driving	B	<ul style="list-style-type: none"> Must provide evidence of 12 months with no violations in the Unsafe Driving BASIC.
392.9(a)(1)	Requiring or permitting a driver to drive without the vehicle's cargo being properly distributed and adequately secured.	Vehicle Maintenance	B	<ul style="list-style-type: none"> Must provide evidence of 12 months with no violations related to load securement.
395.1(h)(1)(i)	Requiring or permitting a property-carrying CMV driver to drive more than 15 hours (Alaska).	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.1(h)(1)(ii)	Requiring or permitting a property-carrying CMV driver to drive after being on duty 20 hours (Alaska).	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.1(h)(1)(iii)	Requiring or permitting a property-carrying CMV driver to drive after 70 hours in 7 days (Alaska).	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.1(h)(1)(iv)	Requiring or permitting a property-carrying CMV driver to drive after 80 hours on duty in 8 days (Alaska).	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.1(h)(2)(i)	Requiring or permitting a passenger-carrying CMV driver to drive more than 15 hours (Alaska).	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.1(h)(2)(ii)	Requiring or permitting a passenger-carrying CMV driver to drive after 20 hours on duty (Alaska).	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).





Corrective Actions and Performance Requirements for Acute and Critical Violations

This job aid pertains to 100% States.

Part	Violation	BASIC	Type A or B	Corrective Action
395.1(h)(2)(iii)	Requiring or permitting a passenger-carrying CMV driver to drive after 70 hours on duty in 7 consecutive days (Alaska).	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.1(h)(2)(iv)	Requiring or permitting a passenger-carrying CMV driver to drive after 80 hours on duty in 8 days (Alaska).	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.1(o)	Requiring or permitting a short-haul property-carrying CMV driver to drive after 16 hours on duty.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.3(a)(1)	Requiring or permitting a property-carrying CMV driver to drive more than 11 hours.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.3(a)(2)	Requiring or permitting a property-carrying CMV driver to drive after 14 hours on duty.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.3(a)(3)(i)	Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the eFOTM Appendix L for the number of HOS violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.3(a)(3)(ii)	Requiring or permitting a property-carrying commercial motor vehicle driver to drive if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the eFOTM Appendix L for the number of HOS violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).



Corrective Actions and Performance Requirements for Acute and Critical Violations

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Part	Violation	BASIC	Type A or B	Corrective Action
395.3(b)(1)	Requiring or permitting a property-carrying CMV driver to drive after 60 hours on duty in 7 days.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.3(b)(2)	Requiring or permitting a property-carrying CMV driver to drive after 70 hours on duty in 8 days.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.5(a)(1)	Requiring or permitting a passenger-carrying CMV driver to drive more than 10 hours.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.5(a)(2)	Requiring or permitting a passenger-carrying CMV driver to drive after 15 hours on duty.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.5(b)(1)	Requiring or permitting a passenger-carrying CMV driver to drive after 60 hours on duty in 7 days.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.5(b)(2)	Requiring or permitting a passenger-carrying CMV driver to drive after 70 hours on duty in 8 days (§ 395.5(b)(2)).	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the required number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.8(a)	Failing to require a driver to make a record of duty status. No records of duty status.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the required number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).





Corrective Actions and Performance Requirements for Acute and Critical Violations

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Part	Violation	BASIC	Type A or B	Corrective Action
395.8(e)	False reports of records of duty status.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the required number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.8(i)	Failing to submit a record of duty status within 13 days.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the required number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
395.8(k)(1)	Failing to preserve records of duty status for 6 months. Failing to preserve supporting documents.	HOS Compliance	B	<ul style="list-style-type: none"> Refer to the table at the beginning of this Reference for the required number of HOS-violation free driver inspections, which are required to meet the performance-based criteria (based on carrier's number of power units).
396.11(a)	Failing to require driver to prepare driver vehicle inspection report.	Vehicle Maintenance	A	<ul style="list-style-type: none"> Produce requested DVIRs.
396.11(c)	Failing to correct out-of-service defects listed by a driver in a driver vehicle inspection report before the vehicle is operated again.	Vehicle Maintenance	A	<ul style="list-style-type: none"> Provide evidence requested vehicles were repaired prior to next dispatch.
396.17(a)	Using a CMV not periodically inspected (§ 396.17(a)) (Requires a violation threshold of 51 percent or more of examined records to trigger automatic failure).	Vehicle Maintenance	A	<ul style="list-style-type: none"> Provide a copy of the vehicle annual inspections or equivalent; up to three (3) vehicles.
396.17(g)	Failing to promptly repair parts and accessories not meeting minimum periodic inspection standards.	Vehicle Maintenance	A	<ul style="list-style-type: none"> Provide proof of repairs.
396.3(b)	Failing to keep minimum records of inspection and maintenance.	Vehicle Maintenance	A	<ul style="list-style-type: none"> Provide complete maintenance file for requested vehicles; up to three (3) vehicles, in accordance with 396.3 and proof of periodic inspection required under 396.17. Provide evidence of Preventive Maintenance Plan.





Corrective Actions and Performance Requirements for Acute and Critical Violations

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Part	Violation	BASIC	Type A or B	Corrective Action
396.9(c)(2)	Requiring or permitting the operation of a motor vehicle declared “out-of-service” before repairs are made (§ 396.9(c)(2))	Vehicle Maintenance	A	<ul style="list-style-type: none"> Provide an example of proof of repair from applicable OOS inspections since last Investigation.
397.101(d)	Requiring or permitting the operation of a motor vehicle containing a highway-route-controlled quantity of radioactive materials as defined in §173.403 without an accompanying written route plan.	HM Compliance	A	<ul style="list-style-type: none"> Provide a statement on how this issue was handled. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
397.13(a)	Permitting a person to smoke or carry a lighted cigarette, cigar or pipe within 25 feet of a motor vehicle containing Class 1 materials, Class 5 materials, or flammable materials classified as Division 2.1, Class 3, Divisions 4.1 and 4.2.	Unsafe Driving	A	<ul style="list-style-type: none"> Provide a statement of how this issue was handled. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
397.19(a)	Failing to furnish driver of motor vehicle transporting Division 1.1, 1.2, or 1.3 (explosive) materials with a copy of the rules of part 397 and/or emergency response instructions.	HM Compliance	A	<ul style="list-style-type: none"> Submit a copy of a driver’s signed document indicating receipt of Part 397 and emergency response instructions. Provide a statement on how this issue was handled. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
397.5(a)	Failing to ensure a motor vehicle containing Division 1.1, 1.2, or 1.3 (explosive) material is attended at all times by its driver or a qualified representative.	Unsafe Driving	A	<ul style="list-style-type: none"> Provide a statement on how this issue was handled. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
397.67(d)	Requiring or permitting the operation of a motor vehicle containing explosives in Class 1, Divisions 1.1, 1.2, or 1.3 without an accompanying written route plan.	HM Compliance	A	<ul style="list-style-type: none"> Provide a statement on how this issue was handled. Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.



Corrective Actions and Performance Requirements for Acute and Critical Violations

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Part	Violation	BASIC	Type A or B	Corrective Action
397.7(a)(1)	Parking a motor vehicle containing Division 1.1, 1.2, or 1.3 materials within 5 feet of traveled portion of highway or street.	Unsafe Driving	A	<ul style="list-style-type: none"> • Provide a statement of how this issue was handled. • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.
397.7(b)	Parking a motor vehicle containing hazardous material(s) other than Division 1.1, 1.2, or 1.3 materials within 5 feet of traveled portion of highway or street.	Unsafe Driving	A	<ul style="list-style-type: none"> • Provide a statement of how this issue was handled. • Provide evidence of policies, procedures and training that will prevent this violation from occurring in the future.

