



TRANSPORT CENTER UPDATE

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Certified Medical Examiners Deadline

As of May 21, 2014, Interstate Commercial Motor Vehicle drivers must get their medical certification cards from a Certified Medical Examiner. A list of Certified Medical Examiners will be provided through FMCSA on its National Registry. According to LandLine Magazine, as of May 9, 2014, FMCSA had a total of 19,575 Certified Medical Examiners on its National Registry. A Certified Medical Examiner is trained on FMCSA's regulations and the physical standards in the trucking industry.

For more information or to find a Certified Medical Examiner near you, check out FMCSA's National Registry of Certified Medical Examiners by clicking [here](#).

Clarification for AOBRDs and Roadside Inspections

On May 12, 2014, FMCSA published guidance in the Federal Register that provides clarification of AOBRDs and roadside inspections. The guidance added two additional questions to the guidance of Part 395, summarized as follows. The guidance indicates that only the information listed in Section 395.15(i)(5) must be capable of being displayed, although more information is required to be recorded by the AOBRD. The second question added to the guidance asks whether or not AOBRD is required to



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M&K Upcoming Events:

For more current updates on events, follow M&K on

be capable of providing a hard copy. The answer is no, so long as the information required to be displayed is capable of being displayed, as required by Section 395.15(i)(5).

Section 395.15(i)(5) requires that the AOBRD be able to display:

1. Driver's total number of hours driven that day;
2. Total hours on duty that day;
3. Total miles driven that day;
4. Total hours on duty for the 7 consecutive day period, including that day;
5. Total hours on duty for the prior 8 consecutive day period, including that day; and
6. The sequential changes in duty status and times the changes occurred for each driver using the device.

For the full guidance as published in federal register, please click [here](#).

Comparative v. Contributory Negligence

Automobile accident cases are often not black and white. Thus, determining who is responsible for a car accident can be a very difficult process. Many times the injured party's own negligence contributed to their injuries. In cases where both parties are negligent, contributory and comparative negligence will determine the amount of liability of each party.

Contributory Negligence

Contributory Negligence means that a party may not recover any damages if they are found to be even 1% at fault. In certain cases, the contributory negligence defense can be overcome if the plaintiff can prove that the defendant's willful, wanton or reckless conduct caused the accident.

Comparative Negligence

Comparative Negligence means that even if a party is found to be at fault to some degree, he may still recover his damages, minus his degree of fault. Comparative negligence states apply one of three forms of comparative negligence: pure comparative negligence, modified comparative negligence 50%

[Facebook](#) and [Twitter](#).

Upcoming Events in the Industry:

June 3rd-5th - CVSA Roadcheck -

Nationwide, for more info click [here](#).

June 13th-14th - PA Truck Driving Championships - HACC in Harrisburg, PA.

June 16th-18th - 2014 ITLC MAFC Annual Conference and Exhibition - Licolnshire, IL, for more info click [here](#).

Aug. 12th-16th - National Truck Driving Championships - Pittsburgh, PA, for more info click [here](#).

FMCSA Cab Card on New HOS

FMCSA has put out an updated cab card with information on the HOS rule changes that occurred in February and the ones that became effective July 1st. You can get a printable version of the cab card by clicking [here](#).

Webinars

bar, and modified comparative negligence 51% bar.

- **Pure Comparative Negligence-** Each party is held responsible for damages in proportion to the party's fault, regardless of the level of plaintiff's own negligence.
- **Modified Comparative Negligence 50% Bar-** Each party is held responsible for damages in proportion to the party's fault, unless the plaintiff's negligence is 50% or greater. If the plaintiff is found to be 50% or greater at fault then he is barred from recovering any damage award.
- **Modified Comparative Negligence 51% Bar-** Each party is held responsible for damages in proportion to the party's fault, unless the plaintiff's negligence is 51% or greater. If the plaintiff is found to be 51% or greater at fault then he is barred from recovering any damage award.

Thus, it is important to know how your jurisdiction/state applies contributory or comparative negligence. Understanding your jurisdiction's application of these principles will help in providing a more accurate evaluation of your case's potential value and/or liability. We have put together a chart with a breakdown of how each state deals with these liability questions, if you would like a copy, please let us know. Look for a more detailed version of this article written by Attorney Mulligan in an upcoming issue of PennTrux.

M&K Rewind

We find that some issues we have covered in previous newsletters may come up again for our

On-Line

Several 20 minute webinars on key issues in the trucking industry have been posted to our webpage. These are audio/video presentations that explain the issues and the challenges they present to the trucking industry.

The topics are as follows:

Aggressive Defense of
Trucking Accidents

New Hires and PSP

CSA

We also have two 5 minute PowerPoint presentations posted to our website regarding information concerning the HOS changes effective in July.

You can view the webinars by clicking [here](#).

Documents and Resources Available From M&K

If you are interested in obtaining copies of the following, please call or email.

- Accident
preparedness DVD
and/or forms

- Chart of comparative
and contributory
negligence states

To see M&K's recent

clients. Therefore, this section will provide information on topics we have previously covered but are still relevant today.

FMCSA'S *SaferBus* iPhone/iPad App

On March 20, 2012, FMCSA unveiled its *SaferBus* iPhone and iPad app. The app provides consumers with a quick review of a bus company's safety record. Prior to buying a ticket and/or booking a group trip, a consumer may use the free app to review a potential bus company's safety record.

The *SaferBus* app may be downloaded through the Apple iTunes App Store or by visiting FMCSA's "Look Before You Book" webpage, located at <http://www.fmcsa.dot.gov/saferbus>.

The app contains information on over 6,000 interstate commercial passenger carriers that operate in the United States. The app allows a consumer to search for information using either the carrier's name or USDOT number.

The results of the search will provide a consumer with the bus company's safety record, whether or not the bus company has operating authority and will permit a consumer to submit a bus safety concern, through a link to FMCSA's National Consumer Complaint Database.

MARK YOUR CALENDARS: PA TDCs!!!

Come out to HACC on June 13th and 14th to support and watch PA's best truck drivers compete! The two day competition features drivers who have proven safety records as they complete several events, including timed pre-trip inspections, a written exam as well as a timed obstacle course. Drivers compete in step vans, straight trucks, 3-axle semi-trailer, 4-axle semi-trailer and 5-axle semi-trailers as well as twins and sleeper berths. For more information click [here](#).

case results and articles click [here](#).

Other Resources

FMCSA Distracted Driving Instructional Videos click [here](#).

[PA Motor Trucking Association](#)

[American Trucking Association](#)

[Trucking Industry Defense Association \(TIDA\)](#)

[Federal Motor Carrier Safety Administration](#)

[PA Travel Information To-Go](#)

[National Traffic and Road Closure Information](#)

For more resources click [here](#)

Free Presentations for Your Driver Meetings

We provide FREE presentations at driver's meetings geared toward our client's topics of interests. Recently, we finished filming a mock trial cross-examination of a driver as part of a new presentation. Please let us know if you are interested.

If you cannot make it to the PA TDCs, follow Marcello & Kivisto on [Facebook](#) and [Twitter](#) to see updates on the competition and pictures.

M&K Truck News Blog

Truck News now includes a blog by Doug Marcello. You can find his blog by clicking [here](#). Truck News blog provides other writers with insight and perspective of the various challenges of our industry.

About Our Firm

Founded in 2005, **M&K, LLC** is dedicated to and focused upon transportation law and the needs of their transportation clients. Since opening in 2005, **M&K, LLC** has expanded its office to provide clients with the attention and availability they deserve.

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Quote of the Month:

"If you dream it, you can do it."

~ Walt

Disney

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