



NEWS ALERT

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Compliance

Deadline for New Electronic Tracking Rules Looms

TRUCKERS AND companies with truck fleets have until Dec. 18 to comply with new rules that require them to use electronic logging devices (ELDs) on their vehicles to keep track of drivers' hours behind the wheel.

ELDs record a trucker's driving time and other aspects of the hours-of-service records. The devices are being put in place to allow for more accurate record-keeping of driving hours.

An ELD monitors a vehicle's engine to capture data on whether the engine is running, whether the vehicle is moving, miles driven, and duration of engine operation.

Law enforcement can review a driver's hours of service by viewing an ELD's display screen or by a printout from the ELD. Technology is in the works that will allow law enforcement to retrieve the data electronically from the ELD.

The ELD rule does not require real-time tracking of fleets, but fleet owners can use technology to track their drivers in real-time for business purposes.

There are a number of ELD manufacturers, but under the rules, motor carriers and drivers can only choose ELDs that are certified and registered on the Federal Motor Carrier Safety Administration website.

You can find a list of all approved vendors here: www.fmcsa.dot.gov/hours-service/elds/electronic-logging-devices



FAST FACTS

Who must comply: Most motor carriers and drivers who are currently required to maintain records of duty status.

Exceptions:

- Drivers who use paper logs no more than eight days during any 30-day period.
- Driveaway-towaway drivers, where the vehicle driven is the commodity being transported, or where the vehicle being transported is a motor home or a recreation vehicle trailer (at least one set of wheels of the vehicle being transported must be on the surface while being transported).
- Drivers of vehicles manufactured before model year 2000.

Deadline

Motor carriers and truckers must install the devices prior to Dec. 18 and also ensure that drivers and administrative staff are trained to use them by then.



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Ag Safety

The Right Way to Extract Stuck Vehicles in the Field

ONE OF THE regular hassles in the agricultural sector is getting trucks or tractors stuck in the mud, dirt or snow. Unfortunately, during these times workers stand a greater chance of getting injured, or worse. Serious, disabling injuries and deaths have occurred when a towing device failed.

But you can avoid the chances of that happening by training your workers in safe towing practices when dislodging a stuck vehicle.

Safety techniques will vary depending, among other things, on:

- Soil conditions
- How deep a vehicle is stuck
- How much the stuck vehicle weighs
- How much the towing vehicle weighs

First step: Breathe easy

Too often the workers and supervisors are in too much of a hurry to extract the vehicle. When people are rushing, they tend to make mistakes, and they can be costly in terms of property damage and injuries.

Second step: Know the weights

Determine how much weight you need to move and how heavy the towing vehicle needs to be. You can get the deadweight in your vehicle owner's manual. But you need to calculate the total gross weight of what is stuck, including the vehicle, possible trailer, and the payload that you will need to pull.

A good rule of thumb is that the towing vehicle needs to be of equal weight to the stuck vehicle.

If the vehicle is only slightly stuck, then the weight of the pulling equipment should be at least equal to the loaded weight of the stuck vehicle. Improve traction by removing or digging out dirt around the sidewalls and in front of the tires.

Ideally, you want to position the towing vehicle on higher ground.

Third step: Clear the gawkers

Extractions and stuck vehicles always attract onlookers. Clear the area of non-essential personnel for everyone's safety.

Fourth step: Use a proper device

A long towing chain designed to support the towed load is recommended over nylon ropes or cables. Chains will break at their weakest point, so check welds and hooks prior to use.



Fifth step: Precautions

You should always do the following:

- Assess how badly the equipment is stuck and figure out if further damage may result if you continue. If so, call a professional.
- Determine whether the axles are dragging.
- Determine if the vehicle bellied out or is resting on the frame.
- Can the cargo shift if the equipment is pulled?
- Assess the condition of the ground under the pulling vehicle.
- Take steps to protect drivers and bystanders from flying debris.
- Determine whether the equipment is leaning to one side.
- Know where power lines are located, to avoid contact with them.

Sixth step: Pre-towing checks/coordination

Double-check all attachments to ensure they are secure.

If using more than one pulling vehicle, the drivers must coordinate with each other. Everyone else involved should know the plan for extraction.

Each operator should understand the situations that will stop the towing process. If using hand signals to communicate between operators, ensure everyone knows their meaning.

When starting to tow, apply power smoothly with no jerking.

Stop and re-evaluate at the slightest sign of danger, if the tractor front end lifts off the ground or if there is a slip in the towing device. ♦





Vicarious Liability

You're Responsible for Employees Driving on the Job

MANY BUSINESS owners don't think twice when asking a worker to run to the office supply store, to the bank or run another errand for the company while on the clock.

But as soon as that employee enters their personal vehicle on a trip for your business, you automatically become vicariously liable for their actions.

Think it's not a big deal? There have been cases when employers have been found liable and ordered to pay up to \$25 million for crashes involving employees using their cell phones while driving, according to the National Safety Council.

That means if your employee is in an accident and injures a third party, damages another car or injures themselves, your firm could be held liable.

For injuries to only your employee, your workers' compensation insurance would handle the costs, but for injuries to others and third party property, you are ultimately liable since they were carrying out duties for your firm.

The employee's auto insurance will be primary, but the problem arises when the coverage is insufficient. The employer can then be sued by the third party.

And once a third party knows there is an employer behind the person who hit them, that often encourages them to sue, seeking even more damages than they normally would.

With that in mind, you should do all you can to reduce your exposure by writing a policy for your driving employees (see box on right).

Beside having a driving policy in place, you can also make sure to hire employees who are safe drivers by checking their driving records during the hiring process.

Also, make sure that your management is on board with the policy.

That means that managers should avoid texting or calling employees while they are driving on company duty.

That would clash with your policy on barring cell-phone use while driving.

Insurance

Finally, you should make sure that you have proper insurance in place in case calamity strikes. And unfortunately, some employees will inevitably be slack in following even the best laid out policies.

ELEMENTS OF A DRIVING POLICY

Consider including the following in the policy:

- Expectations you have for driving staff.
- No talking on a cell phone or using any functions like apps and texting.
- Avoid other distractions by barring other activities while driving, like eating and drinking.
- Train workers in safe vehicle operations.
- Make sure that any employees who drive for you are properly licensed.
- Require them to take breaks on longer trips.
- Check staff driving records periodically.
- Spell out that they must buy personal auto insurance with certain minimum limits. The insurance policy should not include a business exclusion.



Commercial auto will cover all of your workers who drive company vehicles for collisions, but it won't cover employees if they are driving their own vehicles while on the job. Such vehicles are considered non-owned autos because they are not owned by the named insured.

Employees are not insureds while driving non-owned autos, even if they are using the vehicles on company business.

But if you do have workers who use their personal vehicles for work, like sales reps, you can purchase an endorsement for your commercial auto policy: Entitled Employees as Insureds. This endorsement covers workers who drive their personal vehicles on behalf of their employer.

But it provides excess coverage only, meaning that the employee's personal auto policy will apply first if the worker is sued after an accident involving their personal auto. The endorsement would apply only if the employee's personal policy limits are breached. ♦

Personal Protection

Protecting Yourself after the Equifax Data Breach

AT THE END of July, data thieves penetrated computer systems at Equifax, one of the three major credit bureaus, and potentially stole personal credit information on as many as 143 million U.S. customers.

Compromised data includes Social Security numbers, birth dates, addresses and driver's license numbers.

The thieves are also believed to have stolen credit card numbers on roughly 209,000 Americans, and some charge-dispute data, including personally identifying documents on about 182,000 U.S. residents.

This data breach, which may affect as many as two out of three U.S. adults, is the largest known data breach to date.

What to do

See if you were affected – Equifax has created a website that you can visit to find out whether your personal data is among the information believed to have been stolen. The credit bureau has also established a hotline.

Website: www.equifaxsecurity2017.com/potential-impact

Data breach hotline: 866-447-7559

Enroll in credit monitoring – Credit monitoring services watch your credit for suspicious activities. Equifax is waving credit monitoring fees for one year for consumers potentially affected by the breach.

Check your credit

report – You can get a free credit report from each of the three bureaus once a year.

Freeze your credit – This will block any credit checks on your identity until you lift the freeze. This will make it difficult for thieves to gain from stealing your identity.

Equifax is not charging customers to put a freeze on their credit for the time being. However, to be effective, customers would have to have TransUnion and Experian freeze their credit, as well. That costs \$5 to \$10 per bureau, with specifics varying by state.

Place a fraud alert – This is less drastic than freezing your credit, and may cause less inconvenience. A fraud alert notifies lenders running your credit report that you have been the victim of identity theft or a data breach – prompting them, hopefully, to investigate further. ♦

Insurance is available

It's easy and affordable to purchase insurance specifically against this kind of loss.

You can buy policies specifically designed to protect against damages arising from identity theft. Also, ID theft protection is available as a rider to homeowner's or renters' insurance.

Common covered items include the following:

- Cash reimbursement for direct fraud losses
- Cost of credit monitoring
- Lost time off work (spent dealing with banks, creditors, and so on)
- Dedicated credit-repair case workers
- Mailing and notarizing costs
- Legal assistance, both in recovering your damages and fighting lawsuits from creditors that may be brought against you as a result of the theft of your identity
- Court fees
- Audit assistance
- Fees from financial institutions incurred as a result of the identity fraud.



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