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# **DISCOUNT TIRE TRANSPORT, INC.**

## **Commercial Motor Vehicle Management Program**

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## Revision History

Filename	Date

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# 1 Scope

## 1.1 Purpose

The operation of Commercial Motor Vehicles (CMVs) in support of The Reinalt-Thomas Corporation or its subsidiaries or affiliates is essential to their overall success. Drivers of Commercial Motor Vehicles are expected to operate vehicles safely to prevent accidents that may result in injuries and property loss and to comply with all applicable laws and regulations.

## 1.2 Scope

This policy applies to persons who operate commercial motor vehicles (CMVs) on behalf of Discount Tire Transport, Inc.

## 2 Roles & Responsibilities

### 2.1 Purpose

The identification, clear definition, and documentation of the roles and responsibilities of employees directly involved with regulatory compliance and safety best practices is essential to the overall success of reducing accidents and improving roadway safety.

### 2.2 Commercial Motor Vehicle Management Director

The Commercial Motor Vehicle Management Director is the person responsible for the overall success of the Commercial Motor Vehicle Management Program. The Director is responsible for:

- The overall implementation of the Commercial Motor Vehicle Management Program
- Provide guidance to Commercial Motor Vehicle Managers in their areas of responsibility related to the implementation of the Commercial Motor Vehicle Management Program, including compliance issues
- Periodic review of Commercial Motor Vehicle Management Program files and records, including compliance audits of managerial areas of responsibility
- Submit periodic reports to the Executive Staff for review
- Review and evaluate accident reports for cause identification, behavior trends, and prevention enhancement options
- Revise and distribute changes to the Commercial Motor Vehicle Management Program to managers and Commercial Motor Vehicle drivers as necessary
- Maintain appropriate records as required by applicable laws and regulations

### 2.3 Commercial Motor Vehicle Manager

A Commercial Motor Vehicle Manager is a manager of a warehouse, maintenance group, or other facility who has direct supervision over Commercial Motor Vehicle Drivers. Each Commercial Motor Vehicle Manager is responsible for:

- Implementation of the Commercial Motor Vehicle Management Program in their area of responsibility
- Instructing, guiding, and monitoring the Commercial Motor Vehicle Drivers within their area of responsibility regarding the Commercial Motor Vehicle Management Program, the safe driving of Commercial Motor Vehicles, compliance with this manual, and compliance with applicable laws and regulations
- Immediately removing a Commercial Motor Vehicle Driver from Safety Sensitive Functions if they are Disqualified as a Driver or unfit to operate a vehicle due to illness, fatigue, alcohol, or drugs (including medications)
- Periodic review of the Electronic Logging Device (ELD) system records related to their Commercial Motor Vehicle Drivers for completeness, correctness, compliance, and safety issues
- Conducting periodic Safety Meetings with their Commercial Motor Vehicle Drivers to address safety and compliance issues
- The creation, maintenance, and retention of Driver Qualification Files for their Commercial Motor Vehicle Drivers, in accordance with this manual and applicable regulations, including:

1. Ensuring that all required forms and documents are completed
  2. Ensuring an electronic version of the Driver Qualification documents are uploaded into the Driver Qualification File Data Base
  3. Ensuring the Annual Review requirements are completed and uploaded into the Driver Qualification File Data Base for each of their Commercial Motor Vehicle Drivers
  4. Monitoring expiration dates of their Drivers' Medical Examiner's Certificates and Drivers Licenses to ensure they are renewed prior to expiration date
  5. Updating Medical Examiner Certificates in the Driver Qualification File Data Base by:
    - a. Obtaining a copy of each renewed Medical Examiner's Certificate from the Driver
    - b. Verifying the Medical Examiner used is listed in the FMCSA's National Registry of Certified Medical Examiners
    - c. Writing a note related to the verification of the Driver's Medical Examiner's Certificate
    - d. Uploading copies of the Medical Examiner's Certificate and the note into the Driver's folder within the Driver Qualification File Data Base
- The creation, maintenance, and retention of Vehicle Maintenance Files for the CMVs within their area of responsibility, in accordance with this manual and the applicable regulations, including:
1. Ensuring that all required forms and documents are completed
  2. Ensuring an electronic version of the Vehicle Maintenance documents are uploaded into the Vehicle Maintenance File Data Base for each of their Commercial Motor Vehicles
  3. Ensuring the electronic versions of the Vehicle Maintenance Files contain:
    - a. The identification of the CMV, including:
      - i. Unit Number
      - ii. Vehicle Year
      - iii. Vehicle Make
      - iv. Vehicle VIN Number
      - v. The Tire Size(s) required for the vehicle
      - vi. Vehicle Owner (per Vehicle Title/Registration)
    - b. A comprehensive preventative maintenance plan for the vehicle
    - c. A comprehensive Vehicle Maintenance Record indicating all maintenance schedules, repairs, and inspections completed on the vehicle (in chronological order)
    - d. Copies of each receipt or record for each item listed in the Vehicle Maintenance Record
    - e. Copies of each Annual/Periodic Inspection (CA 90-Day BIT Inspections where applicable)
    - f. Evidence of Annual/Periodic Inspector's Qualifications
    - g. Copies of Roadside Inspection Reports and documentation of repairs to any defective/deficient parts listed in the report

## 2.4 Commercial Motor Vehicle Drivers

A Commercial Motor Vehicle Driver is an employee tasked with the driving of a vehicle identified as a Commercial Motor Vehicle by State law, Federal Regulation, or company policy. A Commercial Motor Vehicle Driver is responsible for:

- Always operating a Commercial Motor Vehicle in a safe manner as explained under Appendix A, Section 8 "Operating Commercial Motor Vehicles"
- Maintaining a valid driver's license and Medical Examiner's Certificate, in accordance with State laws and applicable regulations
- Complying with all applicable laws and regulations
- Maintain assigned vehicles according to established maintenance standards

## Appendix A

### Mission

Discount Tire Transport, Inc.'s Commercial Motor Vehicle Management Program is committed to the safe and effective operation of commercial motor vehicles throughout its regions in support of the Company's Vision:

**To be the BEST! Our unique success is  
based on caring for and cultivating  
people, delighting our customers, and  
growing responsibly.**

### Purpose

This manual provides guidance standards and expectations for managers and drivers regarding required actions and prohibitions, and explains the Commercial Motor Vehicle Management Program of Discount Tire Transport, Inc.

**NOTE: Bold and italicized words, phrases, and abbreviations indicates a definition has been provided for them in the "Abbreviations and Definitions" section of this manual.**

### 1. Questions or Inquiries

Questions and/or inquiries related to this policy, the *FMCSRs*, or operations of *commercial motor vehicles* should be directed to:

Robert Alexander (480) 606-6941 rob.alexander@discounttire.com

### 2. Abbreviations and Definitions (For purposes of these Policies & Procedures)

***Accident:*** (1) Except as provided in paragraph (2) of this definition, ***Accident*** means an occurrence involving a ***commercial motor vehicle*** operating on a highway in interstate or intrastate commerce which results in:

- (a) A fatality;
  - (b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - (c) One or more motor vehicles incurring ***Disabling Damage*** as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.
- (2) The term accident does not include:
- (a) An occurrence involving only boarding or alighting from a stationary motor vehicle; or
  - (b) An occurrence involving only the loading or unloading of cargo.

***Alcohol:*** As defined in 49 CFR 382.107, the term alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

***Beer:*** As defined in 26 USC 5052(a), the term beer means beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

***Cell Phone/Mobile Telephone:*** A mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission (FCC). It does not include two-way or Citizens Band Radio services.

**Commercial Motor Vehicle (CMV):** Any vehicle or combination of vehicles meeting the definition of Commercial Motor Vehicle in the **FMCSRs** or per State laws. The **Company** considers all vehicles owned or operated by the **Company** (including personally owned, rented, leased, or borrowed) with a **GVWR** or **GCWR** greater than 10,000 pounds to be a **CMV**.

**Company:** Discount Tire Transport, Inc.

**Disabling Damage:** Any damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- (1) Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
- (2) Exclusions:
  - (a) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
  - (b) Tire disablement without other damage even if no spare tire is available.
  - (c) Headlamp or taillight damage.
  - (d) Damage to turn signals, horn, or windshield wipers which makes them inoperative.

**Disqualified Driver:** A **Driver** who no longer meets the Driver Qualification Standards or has committed a disqualifying event, as outlined in this Policy & Procedure Manual. A **Disqualified Driver** is prohibited from operating a **CMV**.

**Distilled Spirits:** As defined in 26 USC 5002(a)(8), the terms “distilled spirits”, “alcoholic spirits”, and “spirits” mean that substance known as ethyl alcohol, ethanol, or spirits of wine in any form (including all dilutions and mixtures thereof from whatever source or by whatever process produced).

**Driver:** Any **Employee** who operates a **CMV** on behalf of the **Company**.

**Driving Time:** All time spent at the driving controls of a **CMV** in operation.

**Electronic Logging Device (ELD):** means a device or technology that automatically records a **Driver's Driving Time** and facilitates the accurate recording of the **Driver's** hours of service, and that meets the requirements of subpart B of the **FMCSRs**.

**Employee:** An employee of the Reinalt-Thomas Corporation and its subsidiaries, including Discount Tire, America's Tire, Discount Tire Direct, and any other subsidiaries.

**Employer:** The Reinalt-Thomas Corporation and its subsidiaries, including Discount Tire, America's Tire, Discount Tire Direct, and any other subsidiaries.

**Federal Motor Carrier Safety Regulations (FMCSRs or The Regulations):** The Code of Federal Regulations (CFR) of Title 49, including Parts 40, 325, 350 & 355 – 399 which regulate the movement of **CMVs**.

**Gross Combination Weight Rating (GCWR):** The **GCWR** is the sum of all **GVWRs** of a combination unit, i.e. truck **GVWR** and trailer **GVWR** added together.

**Gross Vehicle Weight Rating (GVWR):** The maximum weight a vehicle is designed to carry, including its own weight, indicated by the manufacturer. The **GVWR** is located on the Vehicle Identification Number (VIN) plate of the vehicle or trailer.

**Motor Carrier:** A person or company who provides transportation of property or passengers by **CMV**.

**Off Duty:** All time when a **Driver** is not **On Duty**, is not required to be in readiness to work, or is not under any responsibility for performing work.

**On Duty:** All time from the time a **Driver** begins to work or is required to be in readiness to work until the time the **Driver** is relieved from work and all responsibility for performing work. **On Duty** time shall include:

- (1) All time at a plant, terminal, facility, or other property of a **Motor Carrier** or shipper, or on any public property, waiting to be dispatched, unless the **Driver** has been relieved from duty by the **Motor Carrier**;
- (2) All time inspecting, servicing, or conditioning any **Commercial Motor Vehicle** at any time;
- (3) All **Driving Time** as defined in the term **Driving Time**;
- (4) All time in or on a **Commercial Motor Vehicle**, other than time spent resting in or on a parked vehicle;
- (5) All time loading or unloading a **CMV**, supervising, or assisting in the loading or unloading, attending a **CMV** being loaded or unloaded, remaining in readiness to operate the **CMV**, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled **CMV**;
- (7) Performing any other work in the capacity, employ, or service of, a **Motor Carrier**; and
- (8) Performing any compensated work for a person who is not a **Motor Carrier**.

**Physical Control:** Having the means to initiate any movement of, and in close proximity to, the operating controls of a vehicle.

**RADAR Detector:** Any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of **CMVs** upon public roads and highways for enforcement purposes.

**Safety-Sensitive Function:** All time from the time a **Driver** begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at a **Company** or **Employer** facility, or other property, or on any public property, while responsible for a **CMV**;
- (2) All time conducting Pre-trip and Post-trip inspections or otherwise inspecting, servicing, or conditioning any **CMV** at any time;
- (3) All time spent at the driving controls of a **CMV** in operation;
- (4) All time, other than driving time, in or upon any **CMV**;
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Schedule I Substance:** As defined in 21 CFR 1308.11, any of the drugs and other substances listed in 1308.11 that have been assigned a DEA Controlled Substances Code Number (e.g. narcotics, opiates, hallucinogens, etc.).

**Texting:** Manually entering alphanumeric text into, or reading text from, an electronic device.

- (1) This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a World Wide Web page, **pressing more than a single button** to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication.
- (2) Texting does not include:
  - (a) Inputting, selecting, or reading information on a global positioning system or navigation system; or
  - (b) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or
  - (c) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this part.

**USDOT** (Also **Department of Transportation**): The United States Department of Transportation

(END OF DEFINITIONS)

### 3. Federal Regulations Subjectivity

**Drivers** are expected to know, understand, and comply with all applicable **FMCSRs** and State laws at all times. Failure to comply may result in Disciplinary Action as described in this Manual.

### 4. Driver Qualifications

**NOTE: No person shall operate a commercial motor vehicle unless they have been qualified as a Driver in accordance with the Federal Motor Carrier Safety Regulations and the Discount Tire Transport, Inc. Policies and Procedures Manual.**

- A. A person is qualified as a **Driver** if he/she:
  - (1) Is at least 21 years old
  - (2) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries by inspectors and auditors, and to make entries on reports and records in English
  - (3) Can, by reason of experience, training, or both, safely operate the type of **CMV** they drive
  - (4) Is physically qualified to drive a commercial motor vehicle and obtains a Medical Examiner's Certificate. Medical Examiner's Certificates shall be renewed prior to their expiration and shall be completed by a Medical Examiner from the National Registry of Medical Examiners, <https://nationalregistry.fmcsa.dot.gov>
  - (5) Possesses a valid driver's license issued only by one State for the type(s) of vehicle(s) to be driven
  - (6) Prepares and furnishes the **Company** with an annual list of traffic violation convictions
  - (7) Is not disqualified as a **Driver**
  - (8) Completes a driver's Road Test and received a Road Test Certificate for the type of **CMV(s)** to be operated
  - (9) Has a completed and current Driver Qualification File, maintained by the **Company**
- B. Failure to meet and maintain all of the Driver Qualification Standards will result in immediate removal from **Safety-Sensitive Functions**.
- C. A person is a **Disqualified Driver** if he/she:
  - (1) Loses their driving privilege by means of driver's license expiration, denial, withdrawal, suspension, or revocation
  - (2) Has an expired Medical Examiner's Certificate, a Medical Examiner's Certificate that cannot be validated through the National Registry of Medical Examiners, or suffers an injury or illness that precludes qualification for a Medical Examiner's Certificate
  - (3) Is convicted of driving a **CMV** under the influence, including:
    - (a) Driving a **CMV** while their alcohol concentration is 0.04% or more
    - (b) Driving a **CMV** while under the influence of controlled substances
    - (c) Driving a **CMV** under the influence of alcohol and/or drugs as prescribed by state law
    - (d) Refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of driving under the influence
  - (4) Transports, possesses, or uses any Schedule I identified controlled substances, amphetamines, narcotic drugs, or derivatives thereof, while operating a **CMV**
  - (5) Leaves the scene of an accident while operating a **CMV**
  - (6) Commits a felony involving the use of a **CMV**
  - (7) Is convicted of violating an Out-Of-Service Order
  - (8) Is convicted of violating the FMCSRs' prohibition on texting while driving
  - (9) Is convicted of violating the FMCSRs' prohibition on using a hand-held mobile telephone while driving
- D. A **Disqualified Driver** may become re-qualified if:
  - (1) The disqualification was related to an event identified in items C.(1) or C.(2) and the disqualifying event has been removed or rectified
  - (2) The disqualification was related to an event identified in items C.(3) through C.(6) and:

- (a) The duration of disqualification found in Part 391.15 of the *FMCSRs* has been met, and
- (b) The Commercial Motor Vehicle Management Director approves the re-qualification of the driver

## 5. Safety Performance History Investigations

- A. Safety Performance History Investigations are required by, and will be conducted in accordance with, the *FMCSRs*. The Safety Performance History Investigations will include, but are not limited to, the following:
  - (1) Prior employment verification of information (minimum 3 years employment history)
  - (2) Prior employment related vehicle accidents (minimum 3 years employment history)
  - (3) Prior employment related Controlled Substance and Alcohol Testing Program participation and violations for prior Commercial Driver's License (CDL) employment subject to mandatory Federal Drug and Alcohol Testing Programs (CDL License holders only, 3 year history)
  - (4) Prior employment inquiries related to Federally mandated Substance Abuse Professional's program requirement and outcome (CDL license holders only, 3 year history)
  - (5) State(s) driving record history (3 year Motor Vehicle Records)
- B. Prospective *Drivers* have the following rights related to their Safety Performance History Investigation(s):
  - (1) The right to review information provided by previous employers;
  - (2) The right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the prospective employer;
  - (3) The right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and the *Driver* cannot agree on the accuracy of the information
- C. Prospective *Drivers* who wish to review previous employer-provided Safety Performance History information must submit a written request to the Commercial Motor Vehicle Management Director, which may be done at any time, including when applying or as late as **30 days** after being assigned as a *Driver* or being notified of denial of assignment as a *Driver*. *The Company* will provide this information to the prospective *Driver* within **five (5) business days** of receiving the written request. If the Commercial Motor Vehicle Management Director has not yet received the requested information from the previous employer(s), then the five-business day's deadline will begin when the Commercial Motor Vehicle Management Director receives the requested background information. If the *Driver* has not arranged to pick up or receive the requested records within **thirty (30) days** of the Commercial Motor Vehicle Management Director making them available, the Commercial Motor Vehicle Management Director may consider the prospective *Driver* to have waived their request to review the records.

## 6. Driver Qualification Files

- A. Driver Qualification Files must be completed **before** a driver operates a *CMV* and must contain the following:
  - (1) Application for employment as a driver
  - (2) A 3-year motor vehicle record from the state(s) of drivers license issuance in the last 3 years
  - (3) Road Test Exam and Certificate
  - (4) A copy of the driver's current and valid Medical Examiner's Certificate
  - (5) A copy of the driver's Skill Performance Evaluation Certificate, if required to obtain a Medical Examiner's Certificate
  - (6) A note relating to the verification of the driver's Medical Examiner's Certificate with the FMCSA's National Registry of Certified Medical Examiners
  - (7) HOS Record Previous 7 Days Work Hours form
- B. Within **30 days** of becoming a driver, the Safety Performance History Investigation, including the verification of the last 3 years of previous employment and drug/alcohol history, must be completed and the responses from the previous employers placed into the Driver Qualification File.
- C. The following items need to be completed **annually** (Annual Review) on each *Driver* who operates a *CMV*:
  - (1) A list from each *Driver* of traffic convictions (not including parking tickets) within the last 12 months
  - (2) Obtain a 1-year (or more) motor vehicle record from the state of driver's license issuance

- (3) A note relating to the review of the **Driver's** motor vehicle record and an indication as to whether the **Driver** meets the qualification standards or is disqualified

## 7. Drug and Alcohol Policy

Subsidiaries or affiliates of The Reinalt-Thomas Corporation may complete alcohol and drug testing in accordance with their Drug & Alcohol Abuse Prevention Policy. This section sets forth additional standards and expectations for those **Employees** who operate **CMVs** for the **Company**. Violations of this section will result in immediate removal from all **Safety-Sensitive Functions** until the situation is reviewed by management, and may result in permanent removal as a **CMV Driver** in addition to any disciplinary actions taken by the **Company** or **Employer**.

### A. Questions Regarding Drug and Alcohol Policy.

All questions and concerns regarding a Drug & Alcohol Abuse Prevention Policy should be directed to Human Resources. All questions and concerns regarding the Drug and Alcohol Policy in this manual, applicable to **CMV Drivers**, should be directed to Commercial Motor Vehicle Management Director. Any **Driver** who thinks they may have a problem with or an addiction to alcohol and/or drugs should immediately contact their Vice President or Human Resources for information and guidance to rehabilitation/treatment.

### B. Prohibited Conduct.

- (1) **Alcohol-Related Prohibited Conduct.** **Drivers** are not allowed to consume any **Alcohol** within 4 hours prior to **On Duty** time, at any time while **On Duty**, and shall not report for duty with any amount of **Alcohol** in their body. **Drivers** shall not consume any **Alcohol** following an accident/collision until they are **Off Duty**. The **FMCSRs** prohibit the following activities related to **Alcohol**:

- (a) Use **Alcohol**, as defined in §382.107 of the **FMCSRs**, or be under the influence of **Alcohol**, within 4 hours before going On Duty or operating, or having **Physical Control** of, a **CMV**; or
- (b) Use **Alcohol**, be under the influence of **Alcohol**, or have any measured Alcohol concentration or detected presence of Alcohol, while **On Duty**, or operating, or in **Physical Control** of a **CMV**; or
- (c) Be **On Duty** or operate a **CMV** while the **Driver** possesses wine of not less than one-half of one per centum of **Alcohol** by volume, **Beer** as defined in 26 U.S.C. 5052(a), of the Internal Revenue Code of 1954, and **Distilled Spirits** as defined in section 5002(a)(8), of such Code (except wine, **Beer**, or **Distilled Spirits** which are manifested and transported as part of a shipment; or possessed or used by bus passengers)

- (2) **Drug-Related Prohibited Conduct.**

**Drivers** shall not report for duty or remain **On Duty** if the **Driver** uses any illegal drugs or prescription drugs, except when the use of a prescription drug is at the instruction of a physician who has advised the **Driver** that the prescription drug does not adversely affect the ability to safely operate a **Commercial Motor Vehicle**. The **FMCSRs** prohibit the following activities related to controlled substances:

- (a) No **Driver** shall be **On Duty** and possess, be under the influence of, or use, any of the following drugs or other substances:
  - i. Any 21 CFR 1308.11 **Schedule I substance**;
  - ii. An amphetamine or any formulation thereof;
  - iii. A narcotic drug or any derivative thereof; or
  - iv. Any other substance to a degree which renders the **Driver** incapable of safely operating a vehicle
- (b) In the previous paragraph, the prohibition related to items (a)(ii), (iii), and (iv) do not apply to the possession or use of a substance administered to a **Driver** by or under the instructions of a licensed medical practitioner, as defined in the **FMCSRs**, who has advised the **Driver** that the substance will not affect the **Driver's** ability to safely operate a motor vehicle
- (c) **USDOT Policy on "Recreational Marijuana"**: A state's initiative or law to legalize "recreational marijuana" has no bearing on the **Department of Transportation's** regulations and prohibitions. The **FMCSRs** do not authorize the use of **Schedule I** drugs, including marijuana, for any reason. **Any use or possession of marijuana will be a violation of The Regulations**, regardless of which state the **Driver** is operating in or which state the **Driver** resides.

- (d) **USDOT Policy on “Medical Marijuana”:** The Department of Justice (DOJ) has issued guidelines for Federal prosecutors in states that have enacted laws authorizing the use of “medical marijuana”. The DOJ’s guidelines have no bearing on the *Department of Transportation’s* regulations and prohibitions. The *FMCSRs* do not authorize “medical marijuana” under a state law to be a valid use or possession of marijuana by a *Driver*. **Any use or possession of marijuana will be a violation of The Regulations**, regardless of which state the *Driver* is operating in or which state the *Driver* resides.

(3) **Prescription Drugs.**

When a physician prescribes the use of prescription or over-the-counter drugs, or when over-the-counter drugs bear warnings about side effects that may affect job performance, each *Employee* should ask their health care provider whether such drugs may adversely affect their ability to safely perform *Safety Sensitive Functions*. Performing *Safety Sensitive Functions* while using or being under the influence of drugs which may affect the ability to safely perform them is prohibited. An *Employee* must advise their Manager, Assistant Vice President, or Regional Vice President if they are taking a medication that may adversely affect the *Employee’s* ability to perform assigned duties safely.

## **8. Operating Commercial Motor Vehicles**

*Drivers* are expected to operate *CMVs* in a professional, courteous, and safe manner at all times. The *Company* has a professional reputation and expects all *Drivers* to exhibit and project the same level of professionalism. Failure to comply with any of the following procedures may result in Disciplinary Action as described in this manual.

### **A. Pre-trip and Post-trip Inspections.**

- (1) **Pre-trip Inspection:** *Drivers* shall complete a thorough Pre-trip Inspection of the entire *CMV* (truck and trailer, if applicable) prior to operating each day. If a trailer is changed or connected during a trip, a Pre-trip of the trailer shall be conducted, in addition to the Pre-trip at the beginning of each day, before departing the location of pickup. Every Pre-trip Inspection shall be completed in accordance with *FMCSR* standards and cover all Parts & Accessories required by the *FMCSRs*, including fire extinguishers, emergency triangles, spare fuses, lights, and tire tread depth. Ensure all required documents (driver’s license, Medical Card, vehicle registration, proof of insurance, Annual Inspection for each unit, *ELD*, *ELD* User Manual, 8-days or more of blank Log Book pages, etc.) are present and legible. Any vehicle parts or components that are defective shall be repaired PRIOR to operating the *CMV*, even if necessary to utilize a mobile repair service to do so.
- (2) **Post-trip Inspection:** *Drivers* shall complete a thorough Post-trip Inspection of the entire *CMV* (truck and trailer, if applicable) at the completion of each day. The Post-trip Inspection shall be completed in accordance with *FMCSR* standards and cover all Parts & Accessories required by the *FMCSRs* and the *Driver* shall complete a Driver Vehicle Inspection Report (DVIR) indicating defective/deficient parts/components or that there are none. Any vehicle defects/deficiencies shall be corrected before the vehicle is operated again. The DVIRs are incorporated into the *ELD* System. Should a need for handwritten DVIRs arise, the *Driver* shall turn them into the manager at the end of each day; managers shall forward hand-written DVIRs to the Commercial Motor Vehicle Management Director on a weekly basis.

### **B. Seatbelt Usage.**

*Drivers* are required to wear the seatbelt properly while operating a *CMV*. If a co-driver or passenger is present in the *CMV* and seated in the passenger seat, the co-driver/passenger must wear the seatbelt properly while the *CMV* is in motion. The *Company* mandates seatbelt usage.

### **C. Local Laws.**

*Drivers* are required to obey all traffic laws, including local ordinances, when operating a *CMV*. The *Company* will not tolerate unsafe driving and traffic infractions.

### **D. Hours of Service/Logbooks.**

*Drivers* shall comply with all Hours of Service mandates found in the *FMCSRs* and/or state laws. The *Company* utilizes *Electronic Logbook Devices (ELDs)* and requires all *drivers* to learn, understand, and complete *ELD* tasks correctly and in accordance with the training received from the *Company*. Tampering with or damaging the

**ELDs** will not be tolerated. Should an **ELD** malfunction or be inoperable, **Drivers** shall immediately notify their supervisor and shall reconstruct the current day and previous seven days' Hours of Service using the blank paper Logbook pages as a substitute; the paper Logbook needs to be filled out from the beginning of the day and shall be turned into the **Office of Safety** weekly. Failure to comply with **ELD** standards, any Hours of Service violations of the **FMCSRs**, or failure to submit records will not be tolerated.

**E. CMV Cleanliness.**

**Drivers** must keep **CMVs** in a clean and professional appearance, including but not limited to the following:

- (1) Washing the **CMV** at least once per week
- (2) Returning the **CMV** with full fuel tanks at the completion of each trip
- (3) Returning the **CMV** with full fluid levels (oil, transmission, radiator, windshield washer fluid, and tire air pressures) at the completion of each trip
- (4) Trash shall not be strewn about the **CMV** and shall be removed from **CMV** at the completion of each trip

**F. Unauthorized Use of CMV.**

**Drivers** are only allowed to use **CMVs** for official **Company** business. **Drivers** shall not use the **CMVs** to drive to their residence without prior authorization. **Drivers** shall not use the **CMVs** for personal use nor travel off designated route(s) without prior authorization from their manager.

**G. Passengers.**

**Drivers** will not have passengers or co-drivers in the **CMV** unless approved by management prior to departing on each trip. Transporting an unauthorized passenger is a violation of the **FMCSRs**.

**H. RADAR Detectors.**

**Drivers** shall not have in their possession, nor allow in the **CMV**, any **RADAR Detector** or **RADAR Detector** parts, regardless whether it is operational or not, including new or unopened in its original packaging.

**I. Cell Phone Usage/Texting.**

- (1) **Cell Phone Usage.** **Drivers** will not use a cell phone while driving unless it is equipped with a Hands-Free device that allows for operation (dialing, answering, or ending a call) by a single button push. **Drivers** shall not hold a cell phone in their hand(s) while driving. If a **Driver** does not have a Hands-Free device or needs to hold the cell phone for any reason, the **Driver** shall safely park the **CMV** prior to operating the cell phone.
- (2) **Texting.** **Drivers** shall not text while driving. If a **Driver** needs to answer, respond to, or complete a text message, the **Driver** shall safely park the **CMV** before texting.

**J. Trip Document Submissions.**

- (1) Copies of all trip documents (Supporting Documents), Roadside Inspection Reports, DVIRs, paper Log Book pages, manifests, etc., shall be uploaded to the electronic file data base within 7 days, or less.
- (2) Supporting documents are records generated in the ordinary course of business. Examples: bills of lading, dispatch records, weight/scale tickets, fuel receipts, toll receipts, port of entry receipts, delivery receipts, Roadside Inspection reports, crash reports, credit card receipts.

**K. Disabled Vehicles.**

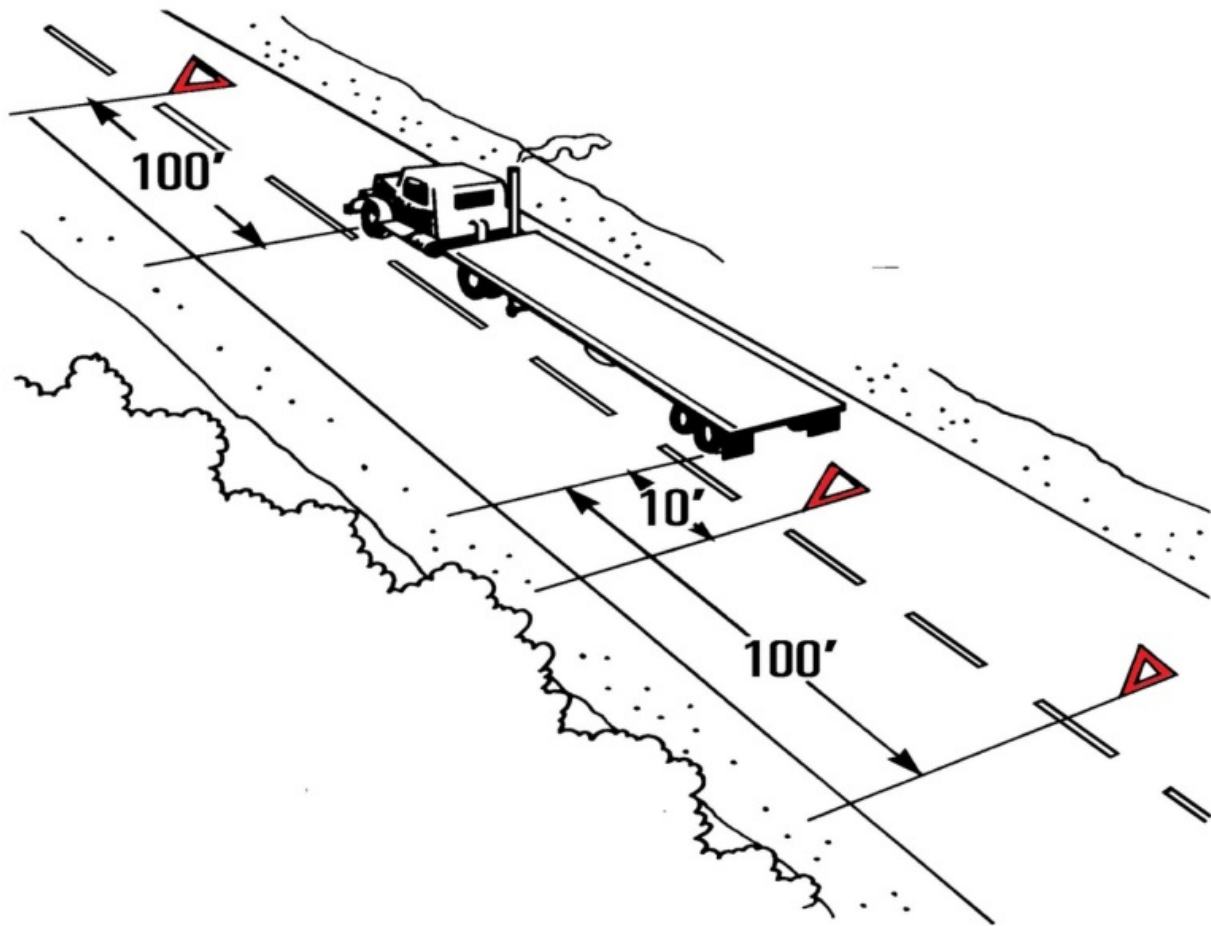
In the event a **CMV** becomes disabled while on a roadway, highway, or street, the **Driver** shall take the following precautions to decrease the hazardous risks and liabilities for the public, the **Driver**, and the **Company**:

- (1) Make every effort to move the vehicle out of the traffic lanes and to the shoulder of the road
- (2) If the vehicle becomes disabled and stationary in the lane(s) of traffic, and the vehicle cannot be started or moved on its own power, do not attempt to push the vehicle out of the roadway alone.
- (3) Activate the Emergency Four-Way Flashers.
- (4) Before exiting the vehicle, put on a reflective safety vest to increase visibility.
- (5) If available, use a cell phone to contact the local police/law enforcement agency, or 9-1-1, to obtain assistance with traffic control and vehicle removal. After contacting law enforcement, contact a supervisor to advise them of the location and situation.

- (6) As soon as possible, but within 10 minutes of coming to a stop, deploy the Emergency Triangles in accordance with the provisions and diagrams described in **Emergency Triangle Placement**.
- (7) After deploying the Emergency Triangles, turn off the Emergency Four-Way Flashers to save battery power.
- (8) If the vehicle is not on the shoulder of the road, and if possible without increasing the risk of injury, leave the vehicle and move to the shoulder of the road, away from traffic, preferably behind a traffic barricade.
- (9) Prior to leaving the location, turn on the Emergency Four-Way Flashers to retrieve the Emergency Triangles. Turn off the Emergency Four-Way Flashers before driving the vehicle.

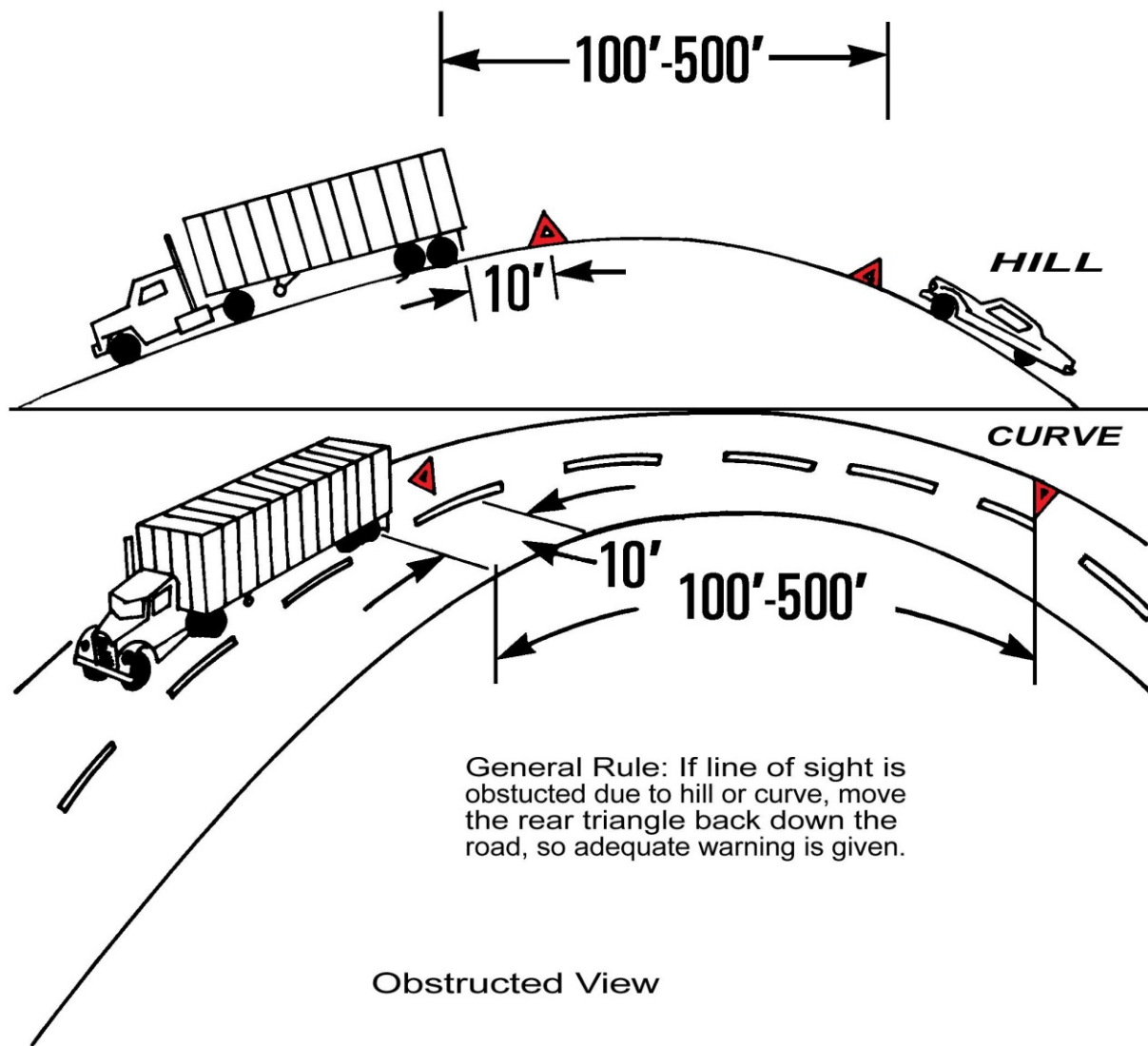
L. **Emergency Triangle Placement.** Whenever a *CMV* is stopped upon the traveled portion or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within 10 minutes, place the Emergency Triangles in the following manner:

- (2) Two-way roads. If the *CMV* is stopped upon the traveled portion or the shoulder of a two-way highway, place the warning devices as follows:
  - (a) One on the traffic side of and 4 paces (approximately 3 meters or 10 feet) from the stopped *CMV* in the direction of approaching traffic (to the rear of the *CMV*);
  - (b) One at 40 paces (approximately 30 meters or 100 feet) from the stopped *CMV* in the center of the traffic lane or shoulder occupied by the *CMV* and in the direction of approaching traffic (to the rear of the *CMV*); and
  - (c) One at 40 paces (approximately 30 meters or 100 feet) from the stopped *CMV* in the center of the traffic lane or shoulder occupied by the *CMV* and in the direction away from approaching traffic (to the front of the *CMV*).

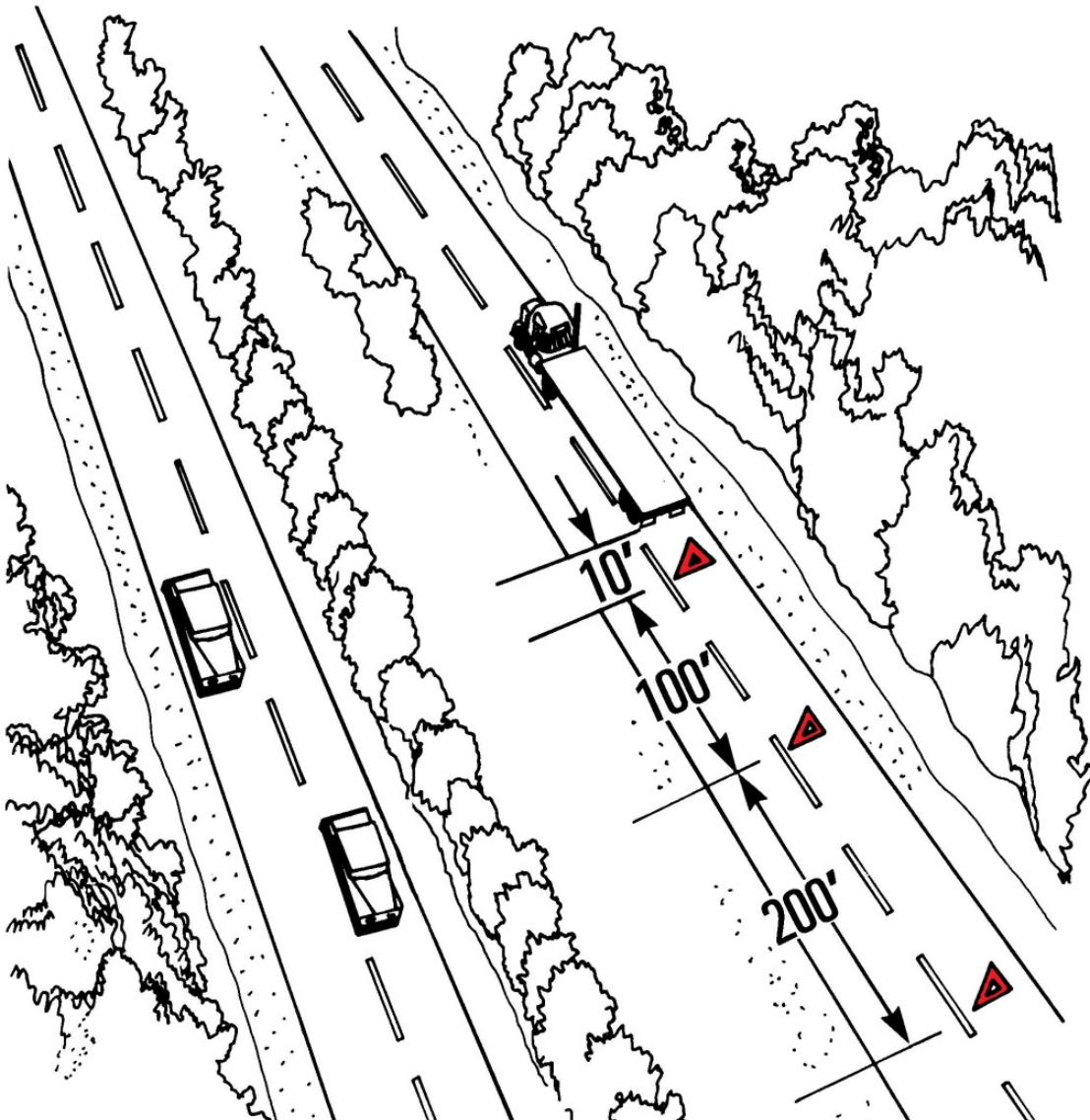


Two Lane or Undivided Highway

- (3) Hills, curves, and obstructions. If the *CMV* is stopped within 500 feet of a curve, crest of a hill, or other obstruction to view, place the warning devices as follows:
- (a) One on the traffic side of and 4 paces (approximately 3 meters or 10 feet) from the stopped *CMV* in the direction of approaching traffic (to the rear of the *CMV*);
  - (b) One in the direction of the obstruction to view a distance of 100 feet to 500 feet from the stopped *CMV* so as to afford ample warning to other users of the highway and in the direction of approaching traffic (to the rear of the *CMV*); and
  - (c) One in the direction of the obstruction to view a distance of 100 feet to 500 feet from the stopped *CMV* so as to afford ample warning to other users of the highway and in the direction away from approaching traffic (to the front of the *CMV*).



- (4) Divided or one-way roads. If the **CMV** is stopped upon the traveled portion or the shoulder of a divided or one-way highway, place the warning devices as follows:
- (a) One on the traffic side of and 4 paces (approximately 3 meters or 10 feet) from the stopped **CMV** in the direction of approaching traffic (to the rear of the **CMV**);
  - (b) One at 40 paces (approximately 30 meters or 100 feet) from the stopped **CMV** in the center of the traffic lane or shoulder occupied by the **CMV** and in the direction of approaching traffic (to the rear of the **CMV**); and
  - (c) One at 80 paces (approximately 61 meters or 200 feet) from the stopped **CMV** in the center of the traffic lane or shoulder occupied by the **CMV** and in the direction away from approaching traffic (to the rear of the **CMV**).



**M. Traffic Accidents.**

**Drivers** shall make every effort to avoid accidents. Should a **driver** be involved in an accident, complete the following steps:

- (1) Determine the number of vehicles involved and if anyone is injured.
- (2) Move the vehicles to the side of the roadway, out of traffic, if they can be moved and it can be done safely.
- (3) Call 9-1-1 and report the location, number of vehicles involved, and number of injuries.
- (4) Call a supervisor and notify them of the location and situation. The supervisor should notify the Office of Safety as soon as possible.
- (5) Before exiting the vehicle, put on a reflective safety vest to increase visibility.
- (6) If able and as soon as possible, preferably within 10 minutes of the accident, deploy the Emergency Triangles in accordance with the provisions and diagrams described in **Emergency Triangle Placement**.
- (7) Do not leave the accident scene until released by the police or local authorities.
- (8) Try to locate and obtain names and contact information for any witnesses of the accident.
- (9) Exchange information with all parties involved:
  - (a) Names and ages of driver(s) and passenger(s)
  - (b) Driver's license number, current address, date of birth, and physical description
  - (c) Vehicle license plate and State, make, model, registered owner, and VIN number
  - (d) Proof of insurance, insurance company name and phone number, effective date, expiration date, and policy number
  - (e) Police/Investigator's name, badge number, and police report number
- (10) Take photographs (if able to do so safely).
  - (a) All vehicles involved from each side and corner angle
  - (b) All vehicle damages
  - (c) Accident scene surroundings, including bystanders
  - (d) Roadway marks caused from the collision (scuff marks, skid marks, etc.)
  - (e) Roadway pictures as approaching the accident scene from both directions (including roadway signs)
  - (f) Take as many photographs as possible
- (11) As soon as possible, write a descriptive and detailed narrative of the event, answering the questions of Who, What, When, Where, Why, and How.
- (12) When released from the accident scene, immediately contact a supervisor before departing the scene to provide updated information and receive any pending instructions.
- (13) As soon as practicable, forward copies of all accident scene documents and photographs to the Office of Safety.

**N. On-Duty Injuries**

- (1) Seek immediate first aid, call 9-1-1 if needed
- (2) Secure and isolate the area to prevent others from being hurt or exposed to the same risk
- (3) Contact a manager to notify of injury and circumstances. Managers should notify the Office of Safety as soon as possible.
- (4) Preserve the scene, if possible, for incident investigation
- (5) Take photographs (if able to do so safely)
  - (a) Entire scene and surroundings
  - (b) Dangers, risk, or cause of injury

- (c) Any injuries
- (d) Take as many photographs as possible
- (6) As soon as possible, write a descriptive and detailed narrative of the event, answering the questions of Who, What, When, Where, Why, and How.
- (7) As soon as practicable, forward copies of all incident documents and photographs to the Office of Safety.

**O. Roadside Inspections (Ports of Entry, Weight Stations, Inspection Stations, or Traffic Stop Inspections)**

Federal, State and local enforcement authorities conduct Roadside Inspections to determine compliance with the FMCSRs and may document violations on a Roadside Inspection Report (also called a Driver/Vehicle Examination Report). **Drivers** shall take the following steps regarding Roadside Inspections:

- (1) Begin each day expecting to be inspected and ensure the **CMV** and required documents are in acceptable condition
- (2) At all times during a Roadside Inspection be professional and courteous to the inspector(s)
- (3) Have all documents readily available for the inspector(s)
- (4) If the inspector(s) discovers any violations, ask the inspector to point them out (if possible) to be photographed
- (5) At the first available opportunity, notify a supervisor that the inspection is taking place and the location
- (6) Take photographs
  - (a) If the inspector will not allow photographs during the Roadside Inspection, then photograph all defective/deficient parts listed on the Roadside Inspection Report prior to moving from the inspection location
  - (b) Photograph each defective/deficient part up close as well as from a distance
  - (c) Take photographs showing the **CMV** and the inspection location (a photo showing the **CMV** with a mile post marker or roadway sign in the picture to show location)
  - (d) If possible, take photographs showing the **CMV** and the inspector's vehicle(s) or inspection station
- (7) As soon as possible, write a descriptive and detailed narrative of the event, answering the questions of Who, What, When, Where, Why, and How
- (8) Contact a supervisor prior to departing the inspection location
- (9) As soon as practicable, forward copies of all Roadside Inspection documents and photographs to your supervisor.

**Safety Meetings**

Safety Meetings will be conducted at least twice per year in each Region or by webinar/teleconference or other media and are mandatory for all **drivers** to attend. Safety Meetings will address current safety concerns of the **Company**, traffic safety issues, work-place safety issues, and training related to the **FMCSRs**. **Drivers** will be notified of the meetings and their work schedules may be altered to accommodate the Safety Meeting. Time associated with Safety Meetings meets the definition of "**On-Duty** time". **Drivers** are required to manage their Hours of Service time to ensure compliance with the **FMCSRs**.

**Disciplinary Action**

**Drivers** in violation of these policies and/or **FMCSRs** may be subject to discipline, including but not limited to remedial training, warning letters, removal as a **CMV driver**, and/or termination of employment. The **Company** encourages all **CMV drivers** to adhere to these policies and maintain compliance with the **FMCSRs** and State laws.



## Appendix B

### Driver's Acknowledgement

I acknowledge receipt of the Discount Tire Transport, Inc. Policies and Procedures Manual. I have read it, understand it, and will comply with it.

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(Printed Name)

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(Work Location)

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(Signature)

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(Date)