

Thank you very much for reporting your recent issues regarding Aggressive or Fraudulent Marketing or other questionable activity. FMCSA has recently received MANY reports of aggressive marketers who *imply* they are FMCSA Officials when they are not. Many E-mailed, mailed, faxed and telephone solicitations are from individuals or Companies who may give the impression that they are officials or representatives of FMCSA when they are not.

Some vendor or third party service provider company names, web sites, e-mail addresses, or correspondences include abbreviations or acronyms that are very similar to USDOT / FMCSA and have web sites posted that resemble the official US Government web sites.

Under federal law, pretending to be "an officer or employee acting under the authority of the United States" in order to demand or obtain "any money, paper, document, or thing of value" can result in a fine as well as imprisonment for up to three years (18 USC § 912).

FMCSA has increasingly received reports from motor carrier officials and new entrant applicants regarding confusing or misleading solicitations from service providers or third-party administrators by telephone, e-mail, fax, text, and US Mail. Some reports have indicated that carrier officials or new entrants have mistaken business solicitations and advertisements from telemarketers, vendors, service providers, or third-party administrators for FMCSA officials OR have been led to believe and, in many cases, actually told by marketers they represent FMCSA.

Motor carrier service providers and third-party administrators or their employees can and do provide valuable services to motor carriers and new entrants in the motor carrier community. The use of a private entity or company to assist a motor carrier with compliance is certainly an option for motor carrier officials and new entrant applicants. However, the use of a service provider is NOT required by FMCSA. The US Government does not endorse private businesses.

FMCSA does provide online and telephone guidance and support **free of charge** to help motor carriers understand the rules, stay in compliance, and meet reporting requirements. Additionally, new entrant applicants are provided guidance to complete their registration process to become a motor carrier in compliance with the Federal Motor Carrier Safety Regulations (FMCSR). This information can easily be found at US Government / FMCSA Websites listed below.

Commonly encountered marketing techniques that are confusing or misleading:

- A caller or written solicitation has a name *very similar* to USDOT / FMCSA but is not, in fact, a US Government Agency
- A caller conveys *urgency* for a carrier to provide credit card or other payment information *immediately* by telephone or suffer immediate consequence. *FMCSA officials and representatives do not ask for credit card numbers by telephone.*

- A caller or solicitation states they are “endorsed” by FMCSA. US Government Agencies *do not* endorse any businesses or third-party service providers. *Motor carrier third-party service providers often provide valuable services but are NOT required by FMCSA. FMCSA provides support free of charge.*
- Vague responses from a caller when asked if they are an employee or authorized representative of FMCSA

Recent solicitations resulting in complaints or concerns reported by motor carrier officials include solicitations for services are inclusive, of but not limited to providing solicitations to provide:

- Drug and Alcohol Supervisor Training
- FMCSA Regulatory and Compliance Support, generally
- UCR: Unified Carrier Registration Compliance
- URS: Biennial Unified Registration System Compliance; *one recently mass e-mailed solicitation was a fraudulently re-written FMCSA Biennial Update Notice delivered on FMCSA letterhead and providing PayPal links to a fraudulent company! FMCSA DOES NOT use PayPal!*

Notice to Carriers regarding Drug and Alcohol Supervisor Training: FMCSA has received numerous inquiries regarding companies using aggressive and threatening marketing tactics to sell supervisor training to employers who may be subject to the Federal Motor Carrier Safety Administration’s drug and alcohol testing requirements. Please note that the FMCSA is not familiar with these companies or the training being offered. Often victims who do not require the training find out only after paying for and completing the training the training was not required.

49 CFR §382.603 requires supervisors of CDL drivers to take 60 minutes of training on the symptoms of alcohol abuse and another 60 minutes of training on the symptoms of controlled substances use. The purpose is to qualify supervisors for determining when reasonable suspicion testing is needed.

The FMCSA does not certify trainers or training companies, nor does it pre-approve the curriculum presented. Employers are responsible for meeting the training requirement of 49 CFR §382.603 including ensuring that any training company/entity that they purchase training from provides training in the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. *It is up to the employer to select which training to attend, keeping in mind the aforementioned guidelines.*

<https://www.fmcsa.dot.gov/about/news/new-at-fmcsa/drug-and-alcohol-testing.aspx>

Notice to Carriers regarding Unified Carrier Registration (UCR) Compliance: Unified Carrier Registration (UCR) is administered by the state of Indiana at <https://www.ucr.in.gov>

FMCSA has increasingly received reports from motor carrier officials and new entrant applicants regarding confusing or misleading solicitations from service providers or third party administrators by telephone, e-mail, text, US Mail, and e-mail. Carriers should be aware that upon completion of your form OP-1, Biennial Update, or at other times, your basic carrier information will be made public and that solicitations from private companies marketing their services have been received by carriers within minutes after they have completed online transactions with FMCSA. Some reports have indicated that carrier officials or new entrants have mistaken such telemarketers, vendors, service providers, or third party administrators for FMCSA officials.

Some vendor company names, web sites, e-mail addresses, or correspondence include abbreviations or acronyms that are very similar to FMCSA and even have web sites that resemble the Agency's official web site.

Please note that the use of a service provider is not required by FMCSA. FMCSA does provide free of charge online guidance and support to help motor carriers understand the rules, stay in compliance, and meet reporting requirements. Additionally, new entrant applicants are provided guidance to complete their registration process to become a motor carrier in compliance with the Federal Motor Carrier Safety Regulations (FMCSR). This information can be found at the FMCSA Websites below:

FMCSA Home Page:

<http://www.fmcsa.dot.gov>

FMCSA Educational and Technical Assistance Package:

<http://www.fmcsa.dot.gov/safety-security/eta/index.htm>

FMCSA Frequently Asked Questions:

<http://www.fmcsa.dot.gov/about/other/faq/faqs.aspx>

FMCSA New Entrant Safety Assurance Program:

<http://www.fmcsa.dot.gov/rules-regulations/topics/NESA/index.aspx>

http://www.fmcsa.dot.gov/documents/Changes_to_NESA_012510_508.pdf

You may also direct questions to FMCSA's information line at 1-800-832-5660.

Suggestions to Carriers:

- Read written solicitations and notices CAREFULLY!
- Make callers *slow down* and assure you understand them clearly; *ask questions!*
- If a carrier or new entrant is contacted by a telemarketer or receives an e-mail, fax, text, or letter that leads them to believe they are in contact with a representative of the US Government *CONFIRM* you are speaking to a US Government Official.
- Look for a small print *disclaimer* on the solicitation or notice that states that the company is not affiliated with the U.S. Department of Transportation or FMCSA, or that states it is a private entity or company.
- When speaking to a caller who is unknown to you, and BEFORE you conduct business or provide a credit card number or banking information ASK the caller if he or she is an FMCSA official or a duly authorized representative of the US Government or a service provider or third party administrator.
- If a caller or a written communications states they are a service provider or third party administrator, then they *are not an employee of the U.S. Department of Transportation or FMCSA.*

If you are unsure whether or not you are speaking to or corresponding with the U.S. Department of Transportation, ask the caller for their name and call back number and then call FMCSA's information line at **1-800-832-5660** for assistance and verification.

- **FMCSA DOES NOT ask for credit card numbers by telephone!**
 - A credit card number, when required, is submitted ON-LINE while logged into a FMCSA Web site OR motor carriers may send credit card information by facsimile (fax), to:
 - 202-385-2422 for reinstatements
 - 202-366-3477 for Motor Carrier Operating Authority

- When asked to provide or verify your carrier information or provide your credit card or banking information by telephone, US mail, text, fax, or e-mail ***verify the caller's identity as being a US Government Official***, a service provider, or a third party administrator. **FMCSA Officials do not ask for credit card information by telephone!**

- Most service providers and third party administrators are reputable and dedicated to providing professional support to their clients. However, there have been increasing incidents of misrepresentation.

- Check out entities or individuals you are unfamiliar with before conducting business!

Before doing business with a service provider, consider making inquiries through:

- The Better Business Bureau www.bbb.org
- The Federal Trade Commission's Bureau of Consumer Protection www.ftc.gov or
- Your local consumer protection agencies.
- Consider consulting with trucking industry colleagues, making inquiries to professional trucking, motor coach, or commercial driver associations.
- Query the internet regarding the person or entity who wishes to provide goods or services.

The FMCSA does not endorse or approve any third-party administrator or service provider and any Company stating otherwise, is providing false and misleading information.

If you have been the victim of fraud and experienced a loss please report the fraud to Law Enforcement!

Additional tips regarding common fraud schemes may be found at:

www.fbi.gov/scams-safety/fraud

www.oig.dot.gov/fraud-alert

NOTICE: Remember that any electronic communication sent from or received by an agency device may be subject to public disclosure. This electronic message is intended exclusively for the individual or entity to which it is addressed.

This communication and any attachments hereto may contain information that is privileged, confidential, Law Enforcement Sensitive, For Official Use Only (FOUO), controlled, or proprietary. This communication may be legally protected or otherwise exempt from disclosure or release under the Freedom of Information Act (5 U.S.C. § 552).

This information shall not be distributed beyond the original addressees without prior authorization of the originator. If you are not the intended recipient, you are herewith notified that any disclosure, dissemination, copying or distribution of this transmission is strictly prohibited. If you have received this transmission in error, please notify the sender by return e-mail and delete from your files.