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The Federal Motor Carrier Safety Administration

- Responsible for all Regulatory Commercial Motor Vehicle Safety

Commercial Vehicle Safety Alliance

- Responsible for all Non-Regulatory Commercial Motor Vehicle Safety

Who Are We?



The Commercial Vehicle Safety Alliance (CVSA) is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement activities by certified inspectors dedicated to driver and vehicle safety.



A little bit of background on CVSA:

- Charter
 - An organization of federal, state and provincial government agencies and industry representatives from the United States, Canada, and Mexico dedicated to improvement of commercial vehicle safety.
- Vision
 - CVSA will be recognized as the North American leader in commercial motor vehicle safety and enforcement.
- Mission
 - To improve commercial motor vehicle safety and uniformity throughout the U.S., Canada and Mexico by providing guidance and education to enforcement, industry and policy makers.

- **Five Regions**

- **Region I** - Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, US Virgin Islands and Vermont
- **Region II** - Alabama, American Samoa, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia
- **Region III** - Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Northern Mariana Islands, Ohio, South Dakota and Wisconsin
- **Region IV** - Alaska, Arizona, California, Guam, Hawaii, Idaho, Mexico, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming
- **Region V** - Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Northwest Territories, Nunavut, Ontario, Prince Edward Island, Quebec, Saskatchewan and Yukon

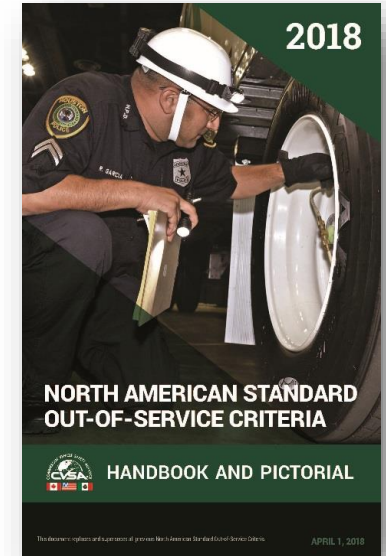
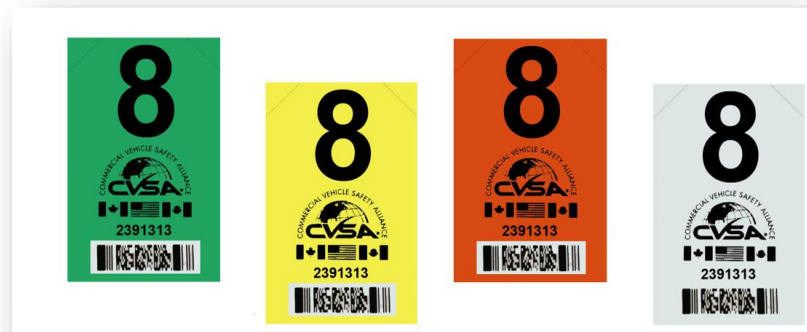
Principal North America federal agencies are engaged in the dialogue

- FMCSA, FHWA, PHMSA, NHTSA, TSA, DOE (United States)
 - Transport Canada, CCMTA (Canada)
 - SCT, Federal Police (Mexico)
-
- US Congress
 - Government Affairs
 - Legislative activity
 - Testify at hearings
-
- Industry has a seat at the table

About CVSA



- Roadside CMV Inspector Certification
- North American Standard (NAS) Inspection Procedures
- NAS Training Program
- CVSA Decal Program
- NAS Out-of-Service Criteria
- Outreach and Education
- Policy Development



NAS Out-of-Service Criteria (OOSC)



What is it?

- Violations of the regulation that represent an imminent hazard.
- The driver and/or vehicle cannot continue until repairs are made and/or condition corrected.

What is it not?

- The OOSC is not a regulation. It is an enforcement inspection guide
- The OOSC is not a maintenance manual





What is a CDL?
What is a CMV?

Commercial Motor Vehicle – CDL?



- A Commercial Motor Vehicle (CMV) and a Commercial Drivers License(CDL) are **NOT** the same thing!
- A CDL is required for specific types of commercial motor vehicles.
- Not all commercial vehicle drivers need a CDL.

What is a commercial motor Vehicle



Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in **interstate commerce** to transport passengers or property when the vehicle—

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or

What is a commercial motor Vehicle



- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

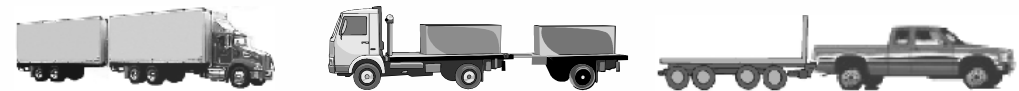
49 C.F.R. § 390.5

Vehicle Configuration

Bus (9-15 Seats, Including Driver)



Truck/Trailer (Single-Unit Truck Pulling a Trailer)



Bus (16 or More Seats, Including Driver)



Truck Tractor (Bobtail)



Single-Unit (2 Axles, 6 Tires)



Tractor/Semi Trailer (One Trailer)



Single-Unit (3 or More Axles)



Truck Tractor/Double (Two Trailers)



Truck Tractor/Triple (Three Trailers)



Revised 06/05

- Interstate commerce means trade, traffic, or transportation in the United States—
 - (1) Between a place in a State and a place outside of such State (including a place outside of the United States);
 - (2) Between two places in a State through another State or a place outside of the United States; or

- (3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.
- Intrastate commerce means any trade, traffic, or transportation in any State which is not described in the term “interstate commerce.”

- Commercial driver's license (CDL) means a license issued to an individual by a State or other jurisdiction of domicile, in accordance with the standards contained in this part, which authorizes the individual to operate a class of a commercial motor vehicle.

49 C.F.R. § 383.23

(a) General rule.

- (1) No person shall operate a CMV unless such person has taken and passed knowledge and driving skills tests for a CLP or CDL that meet the Federal standards contained in subparts F, G, and H of this part for the CMV that person operates or expects to operate.
- (2) Except as provided in paragraph (b) of this section, no person may legally operate a CMV unless such person possesses a CDL which meets the standards contained in subpart J of this part, issued by his/her State or jurisdiction of domicile.

- (1) Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or

Commercial Driver's License Standards; Requirements and Penalties



- (3) Small Vehicle (Group C) that does not meet Group A or B requirements but that either—
 - (i) Is designed to transport 16 or more passengers, including the driver; or
 - (ii) Is of any size and is used in the transportation of hazardous materials as defined in this section.

49 C.F.R. § 383.5

CDLIS driver record means the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. 31309.

49 C.F.R. § 383.5



Who Can Inspect a CMV

Who can inspect a CMV?



Lawyer answer...it depends

General rule: You must be a certified inspector to perform a CVSA inspection that is uploaded to FMCSA. (exceptions weight enforcement)

There are generally two types of enforcement models:

1. Probable cause states
2. Right of entry states

Reasonable suspicion

Generally, the same requirements to stop a passenger vehicle.

- Reasonable suspicion
 - [T]o the specific reasonable inferences which he is entitled to draw from the facts in light of his experience. [*Terry v. Ohio* 392 U.S. 1 \(1968\)](#)
 - reasonable suspicion is an “abstract” concept that can-not be reduced to “a neat set of legal rules,” *Arvizu*, 534 U. S., at 274 (internal quotation marks omitted),

18-556 Kansas v. Glover (04/06/2020)

Who can inspect a CMV?



Probable cause

Probable cause is a requirement found in the [Fourth Amendment](#) that must usually be met before police make an [arrest](#), conduct a [search](#), or receive a [warrant](#). Courts usually find probable cause when there is a [reasonable](#) basis for believing that a crime may have been committed (for an arrest) or when evidence of the crime is present in the place to be [searched](#) (for a [search](#)). Under [exigent circumstances](#), probable cause can also justify a warrantless [search or seizure](#). Persons arrested without a [warrant](#) are required to be brought before a competent authority shortly after the arrest for a [prompt judicial determination](#) of probable cause.

Who can inspect a CMV?



Right of Entry Example

K.S.A. 74-2108

- shall have the power and authority to require the driver of any motor vehicle owned or operated by any such carrier to stop and submit such vehicle to an inspection to determine compliance with such laws and rules and regulations.

However...

K.A.R. 82-4-1 further refines who is “authorized” to complete an inspection:

- (c) "Authorized agent" and "authorized representative" mean any authorized special agent or employee of the commission, any member of the Kansas highway patrol, or any law enforcement officer in the state certified in the inspection of motor carriers and authorized in accordance with the requirements of the Kansas motor carrier safety program.



What is an inspection?

NORTH AMERICAN STANDARD INSPECTION COURSES **AND INSPECTOR MINIMUM CERTIFICATION** **REQUIREMENTS**

Definitions

- Certified Inspector – Means an inspector who maintains a Certificate of Proficiency authorizing them to conduct CVSA North American Standard Inspections for the specific discipline.

North American Standard Inspection Program

- Level I – Vehicle and Driver
- Level II – Walk-Around Driver/Vehicle
- Level III – Driver/Credential Inspection
- Level IV – Special Inspections
- Level V – Vehicle Only
- Level VI – Radiological Shipments (Specific Levels of Activity)
- Level VII – Jurisdictional Mandated
- Level VIII – Electronic Inspection

North American Standard Inspection Procedures

	INSPECTION LEVEL							
	I	II	III	V	VI	VII	VIII	
1. Choose the Inspection Site	X	X	X		X			
2. Approach the Vehicle	X	X	X		X			
3. Greet and Prepare Driver	X	X	X		X			
4. Interview Driver	X	X	X		X			
5. Collect the Driver's Documents	X	X	X		X	X		
6. Check for the Presence of Hazardous Materials/ Dangerous Goods	X	X	X		X	X		
7. Identify the Carrier	X	X	X		X	X		
8. Examine Driver's License	X	X	X		X	X		
9. Check Medical Examiner's Certificate and Skill Performance Evaluation (SPE) Certificate (if Applicable)	X	X	X		X	X		
10. Check Record of Duty Status	X	X	X		X	X		
11. Review Driver's Daily Inspection Report (if Applicable)	X	X	X		X	X		
12. Review Periodic Inspection Report(s)	X	X	X	X	X	X		
13. Prepare Driver for Vehicle Inspection	X	X		X	X			
14. Inspect Front of Tractor	X	X		X	X			
15. Inspect Left Front Side of Tractor	X	X		X	X			
16. Inspect Left Saddle Tank Area	X	X		X	X			
17. Inspect Trailer Front	X	X		X	X			
18. Inspect Left Rear Tractor Area	X	X		X	X			
19. Inspect Left Side of Trailer	X	X		X	X			
20. Inspect Left Rear Trailer Wheels	X	X		X	X			
21. Inspect Rear of Trailer	X	X		X	X			
22. Inspect Double, Triple and Full Trailers	X	X		X	X			
23. Inspect Right Rear Trailer Wheels	X	X		X	X			
24. Inspect Right Side of Trailer	X	X		X	X			
25. Inspect Right Rear Tractor Area	X	X		X	X			
26. Inspect Right Saddle Tank Area	X	X		X	X			
27. Inspect Right Front Side of Tractor	X	X		X	X			
28. Inspect Steering Axle(s)	X			X	X			
29. Inspect Axle(s) 2 and/or 3 (Under Carriage of CMV)	X			X	X			
30. Inspect Axle(s) 4 and/or 5	X			X	X			
31. Check Brake Adjustment	X			X	X			
32. Inspect Tractor Protection System (This procedure tests both the tractor protection system and the emergency brakes.)	X			X	X			
33. Inspect Required Brake System Warning Devices	X	X		X	X			
34. Test Air Loss Rate	X	X		X	X			
35. Check Steering Wheel Lash	X	X		X	X			
36. Check Fifth Wheel Movement	X			X	X			
37. Complete the Inspection	X	X	X	X	X	X		

The Level VI inspection involves a radiological survey of the vehicle and load prior to completing the 37-step inspection procedure.

The Level IV Special Inspection and Level VII Jurisdictionally Mandated Inspection could have any or all steps included; therefore, those two inspection levels are not included on this chart.

North American Standard Inspection Program



Inspectors note “violations” of the Code of Federal Regulations on the inspection form. This is **not** a citation but may have consequences for the carrier’s Safety Fitness Score and will appear on a driver’s preemployment screening.

Inspection information is temporarily held in a federal database called Safer, verified by the state and then ultimately reside in a federal database called MCMIS.

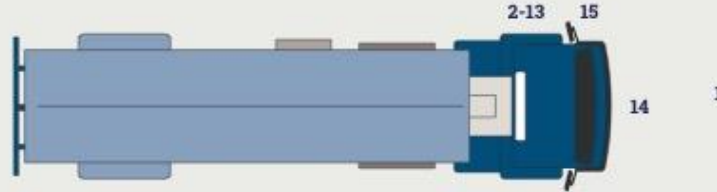


Inspection Procedure

North American Standard Level I



For more detailed information, see the procedures contained in the CVSA Operations Manual.



1 Choose the Inspection Site

- Select a safe location. It should be paved, level, away from yet visible to traffic and able to support the weight of the vehicle.
- Avoid hills, curves, soft shoulders and construction sites.

2 Approach the Vehicle

- Observe the driver.
- Adhere to inspector safety policies.
- Be alert for leaks and unsecured cargo.

3 Greet and Prepare the Driver

- Identify yourself.
- Ensure the driver understands and is able to respond to inquiries and directions.
- Place chock blocks on the driver's side.
- Explain the inspection procedure.
- Ensure engine is off.
- Check the seat belt usage and condition.
- Observe the driver's overall condition for illness, fatigue or other signs of impairment.
- Check for illegal presence of alcohol, drugs, weapons or other contraband.

4 Interview the Driver

- Ask the driver for starting location, final destination, load description, time traveled, most recent stop and fueling location(s).
- Ask the driver what other jobs he/she has worked in the past week.

5 Collect the Driver's Documents

- Collect Medical Examiner's Certificate and Skill Performance Evaluation (SPE) Certificate (if applicable).

- Collect driver's license or commercial driver's license (CDL) and record of duty status.

- Collect shipping papers.
- Collect periodic inspection certificates, commercial vehicle inspection program (CVIP).
- Collect bills of lading, receipts, other documents used to verify record of duty status and trip envelope.

6 Check for the Presence of Hazardous Materials/Dangerous Goods

- Check shipping papers, markings, labels and placards.
- Check for any leaking material or unsecured cargo.

7 Identify the Carrier

- Identify the carrier by using vehicle identification, vehicle registration, insurance, operating authority and driver interview.

8 Examine Driver's License or CDL

- Check the driver's license or CDL expiration date, class, endorsements, restrictions and status.

9 Check Medical Examiner's Certificate and SPE Certificate (if Applicable)

- Check certificate(s) date (may be valid for up to 24 months).
- Check corrective lens requirement.
- Check hearing aid requirement.
- Check physical limitations.

Note: The medical qualifications may be contained in the driver's license. Proper class indicates adequate medical requirements.

10 Check Record of Duty Status

- Verify hours of service.
- If driver claims to be exempt, check that driver meets all criteria for said exemption(s).
- Check accuracy of record.

11 Review Driver's Daily Vehicle Inspection Report (if Applicable)

- Review the required vehicle inspection report to verify that listed safety defects have been repaired.

12 Review Periodic Inspection Report(s)

- Ensure vehicle has passed the required inspection and has the required documents and decals.

13 Prepare Driver for Vehicle Inspection

- Explain the vehicle inspection procedure.
- Advise the driver of the use of hand signals.
- Check the chock blocks, have the driver put the vehicle transmission in neutral, release all the brakes, ensure the air pressure is at maximum, turn engine off and ensure the key is in the "on" position.
- Instruct the driver to remain at the controls.
- Inspect the driver's seat.

14 Inspect Front of Tractor

- Check headlamps, turn signals (do not use four-way flashers to check turn signals) and all other required lamps for improper color, operation, mounting and visibility.
- Check windshield wipers and washers for proper operation.
- Check the function of the horn.

15 Inspect Left Front Side of Tractor

- Check front wheel, rim, hub and tire. over



Our ask

Costs



	Large Trucks & Buses	Large Trucks	Buses
MCMIS Fatal & Non-Fatal Crash Events	CY 2018	CY 2019	CY 2020* (01/01/2020-09/30/2020)
Vehicles Involved	196,598	194,140	118,396
Crashes	184,072	181,607	110,693
Fatalities	5,254	5,064	3,394
Injuries	98,659	97,780	55,097
FARS Fatal Crash Events	CY 2017	CY 2018	CY 2019
Vehicles Involved	5,055	5,162	5,253
Fatalities	5,170	5,257	5,260

People tend to find flying an airplane riskier than driving. However, a 100 passenger plane crashing every day of the year killing everyone would be equal the number of lives lost each year on U.S. roads. Distracted Driving, Ctrs. for Disease Control, https://www.cdc.gov/motorvehiclesafety/distracted_driving/ (last visited July 13, 2017).

Id.

Medically consulted motor-vehicle injuries in 2016 are estimated to be about 4.6 million, an increase of seven percent from 2015. The estimated cost of motor-vehicle deaths, injuries, and property damage in 2016 was \$432.5 billion, an increase of 12 percent from 2015. The costs include wage and productivity losses, medical expenses, administrative expenses, employer costs, and property damage.

Law Enforcement Ask



NOTICE OF TRAFFIC VIOLATION

The City of Santa Ana Police Department
NOTICE TO APPEAR Automated Traffic Enforcement SA1234567PE

DATE OF VIOLATION		TIME	
NAME (FIRST, MIDDLE, LAST)			
ADDRESS			
CITY		STATE	ZIP CODE
DRIVER LIC. NO	STATE	CLASS	COMMERCIAL <input type="checkbox"/> YES <input type="checkbox"/> NO
SEX	HAIR	EYES	HEIGHT
VEH LIC. NO		STATE	WEIGHT
YR OF VEH	MAKE	BODY STYLE	COLOR
		<input type="checkbox"/> COMMERCIAL VEHICLE	
		<input type="checkbox"/> HAZARDOUS MATERIAL	

Law enforcement:

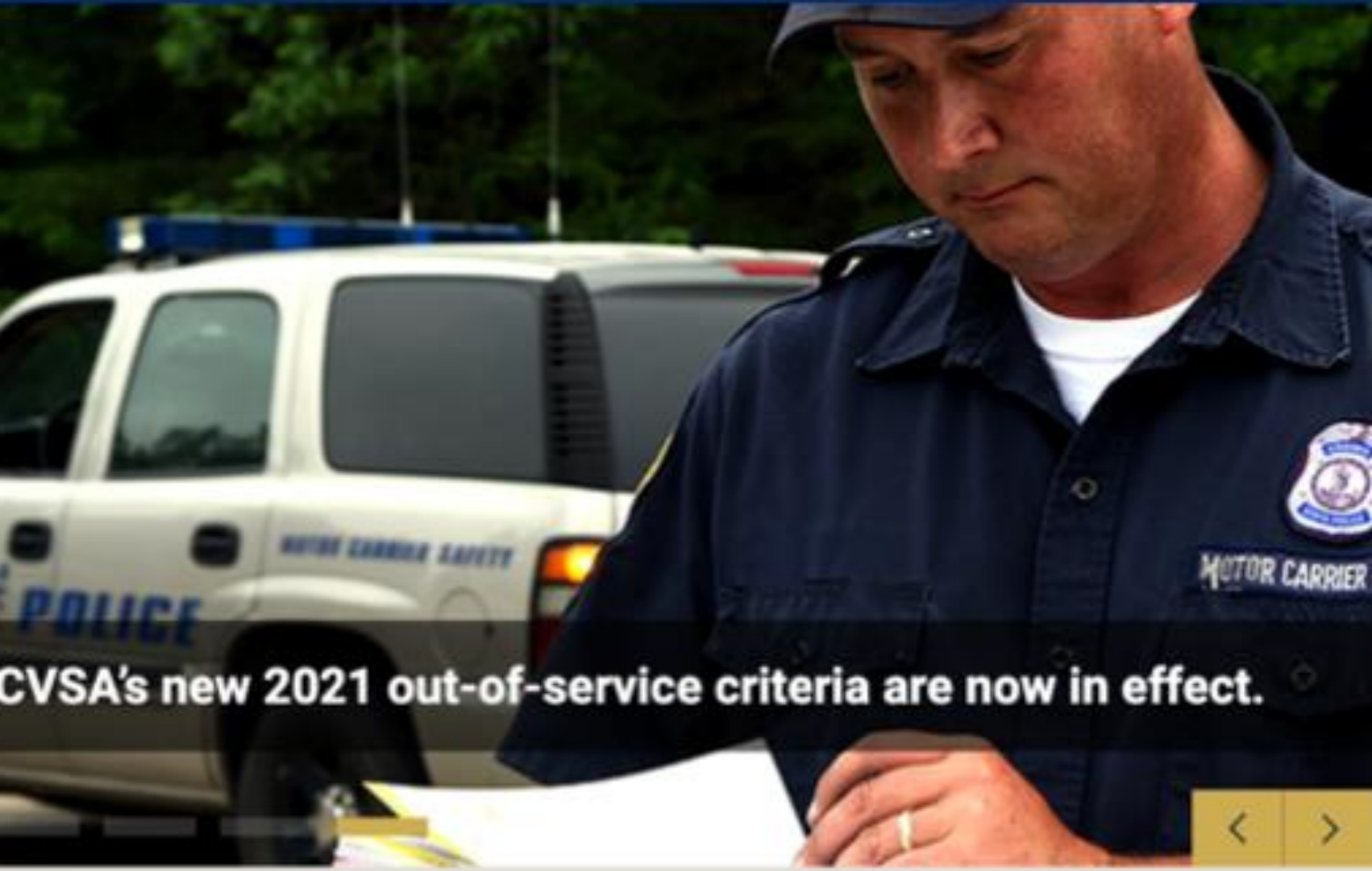
- A CMV is really a large passenger vehicle if the driver commits a violation stop the driver, issue the citation.

Prosecutors:

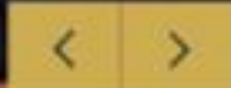
- When an officer issues a citation, please prosecute and move forward, don't dismiss, plead, or deal any driving violation, if you must deal the vehicle violations (although those cost lives too)



Additional Resources available for the public



CVSA's new 2021 out-of-service criteria are now in effect.



Highlights

April 6, 2021

Operation Safe Driver Week Set for July 11-17 With Focus on Speeding

April 1, 2021

CVSA's 2021 Out-of-Service Criteria Now in Effect

March 16, 2021

Allen Parker with Werner Enterprises is CVSA's 2021 International Driver Excellence Award Winner

February 2, 2021

International Roadcheck Set for May 4-6 with Emphasis on Lighting and Hours of Service

Contacts

Contacts

[Law Enforcement Lead Agency Contacts](#)[CVSA Headquarters Staff](#)[U.S. Federal Motor Carrier Safety Administration Headquarters and Field Offices](#)[Canadian Council of Motor Transport Administrators](#)[Secretaría de Comunicaciones y Transportes \(Mexico\)](#)

Contacts

The Commercial Vehicle Safety Alliance's headquarters is located at 6303 Ivy Lane, Suite 310, in Greenbelt, Maryland.

CVSA Contacts

For questions related to the Alliance, its programs and services, and policy positions, contact the [headquarters staff](#).

For inquiries specific to a certain region, state, province or territory in the United States, Canada or Mexico, the Alliance has a designated [lead agency contact](#) for that jurisdiction available to answer the public's questions.

Contacts: United States

The Federal Motor Carrier Safety Administration (FMCSA), under the U.S. Department of Transportation, is responsible for the issuance, administration and enforcement safety regulations as it pertains to commercial motor vehicle safety. For questions regarding federal motor carrier safety regulations, contact [FMCSA headquarters](#) or one of [FMCSA's division service centers](#).

Contacts: Canada

The Canadian Council of Motor Transport Administrators (CCMTA) coordinates matters dealing with the administration, regulation and control of motor vehicle transportation and highway safety. For questions about Canadian regulations, contact [CCMTA's administration](#).

Contacts: Mexico

Secretaría de Comunicaciones y Transportes (SCT) (Ministry of Communications and Transportation) of Mexico is the national federal entity that regulates commercial road traffic and broadcasting. For questions about regulations and enforcement in Mexico, [contact the SCT](#).

Contacts

Contacts

Law Enforcement Lead
Agency Contacts

CVSA Headquarters Staff

U.S. Federal Motor Carrier
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Headquarters and Field
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Canadian Council of Motor
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Secretaría de
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