

**CMV Brake Safety Symposium**

**Indianapolis Dec. 5-7 2006**

**Session IV – Straw-Man Exercise**

**Document #1**

**Regulatory Requirements  
for  
Knowledge and Skills**

**1. Regulatory Requirements  
for  
Driver  
Knowledge and Skills**

Drivers – Operating

**PART 383--COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES**

**§383.111 Required knowledge**

All drivers must have knowledge of the following general areas:

e) **Vehicle inspections:** The objectives and proper **procedures for performing vehicle safety inspections**, as follows:

- 1) The importance of **periodic inspection and repair** to vehicle safety
- 2) The effect of **undiscovered malfunctions** upon safety
- 3) What **safety-related parts** to look for when inspecting vehicles

g) **Air brake knowledge** as follows:

- 1) Air brake system **nomenclature**
- 2) The dangers of **contaminated air** supply
- 3) Implications of **severed or disconnected air lines** between the power unit and the trailer(s)
- 4) Implications of **low air pressure** readings
- 5) Procedures to conduct **safe and accurate pre-trip inspections**
- 6) Procedures for conducting **enroute and post-trip inspections** of air actuated brake systems, including **ability to detect defects** which may cause the system to fail

**§383.113 Required Skills**

c) **Air brake skills.** Drivers shall demonstrate the following skills with respect to inspection and operation of air brakes:

- 1) **Pre-trip inspection skills.** Drivers shall demonstrate the skills necessary to conduct a pre-trip inspection which includes the ability to:
  - i) Locate and verbally **identify air brake operating controls and monitoring devices**
  - ii) Determine the motor vehicle's brake system condition for **proper adjustments** and that air system **connections** between motor vehicles have been properly made and secured
  - iii) Inspect the **low pressure warning** device(s) to ensure that they will activate in emergency situations
  - iv) Ascertain, with the engine running, that the system maintains an **adequate supply** of compressed air
  - v) Determine that required minimum **air pressure build up time** is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level
  - vi) **Operationally check** the brake system for **proper performance**

**Drivers – Inspecting**

**PART 392--DRIVING OF COMMERCIAL MOTOR VEHICLES**

**§392.7 Equipment, inspection and use.**

No commercial motor vehicle shall be driven unless the driver is satisfied that the following parts and accessories are in good working order, nor shall any driver fail to use or make use of such parts and accessories when and as needed:

Service brakes, including trailer brake connections.

Parking (hand) brake.

**PART 396--INSPECTION, REPAIR, AND MAINTENANCE**

**§396.13 Driver inspection**

Before driving a motor vehicle, the driver shall:

- (a) Be satisfied that the motor vehicle is in **safe operating condition**

**2. Regulatory Requirements  
for  
Technician  
(Brake Inspector)  
Knowledge and Skills**

## Brake Inspectors – Carrier Based (Technicians, Brake Inspectors)

### PART 396--INSPECTION, REPAIR, AND MAINTENANCE

#### §396.17 Periodic inspection.

- a) Every commercial motor vehicle shall be inspected as required by this section. The inspection shall include, at a minimum, the parts and accessories set forth in appendix G of this subchapter.
- b) A motor carrier shall inspect or cause to be inspected all motor vehicles subject to its control.
- c) A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months.
- d) A motor carrier may perform the required annual inspection
- e) a motor carrier may choose to have a commercial garage, fleet leasing company, truck stop, or other similar commercial business perform the inspection provided it employs qualified inspectors, as required by Sec. 396.19.

#### §396.19 Inspector qualifications

(a) It shall be the motor carrier's responsibility to ensure that the individual(s) performing an annual inspection under [§396.17\(d\)](#) or [\(e\)](#) is qualified as follows:

- (1) Understands the inspection criteria set forth in 49 CFR [Part 393](#) and Appendix G of this subchapter and can identify defective components;
- (2) Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection; and
- (3) Is capable of performing an inspection by reason of experience, training, or both as follows:
  - (i) Successfully completed a State or Federal sponsored training program or has a certificate from a State or Canadian Province which qualifies the person to perform commercial motor vehicle safety inspections, or
  - (ii) Have a combination of training and/or experience totaling at least 1 year. Such training and/or experience may consist of:
    - (A) Participation in a truck manufacturer sponsored training program or similar commercial training program designed to train students in truck operation and maintenance;
    - (B) Experience as a mechanic or inspector in a motor carrier maintenance program;
    - (C) Experience as a mechanic or inspector in truck maintenance at a commercial garage, fleet leasing company, or similar facility; or
    - (D) Experience as a commercial vehicle inspector for a State, Provincial or Federal Government.

(b) Evidence of that individual's qualifications under this section shall be retained by the motor carrier for the period during which that individual is performing annual motor vehicle inspections for the motor carrier, and for one year thereafter. However, motor carriers do not have to maintain documentation of inspector qualifications for those inspections performed either as part of a State periodic inspection program or at the roadside as part of a random roadside inspection program.

**§396.25 Qualifications of brake inspectors.**

(a) The motor carrier shall ensure that all inspections, maintenance, repairs or service to the brakes of its commercial motor vehicles, are performed in compliance with the requirements of this section.

(b) For purposes of this section, "brake inspector" means any employee of a motor carrier who is responsible for ensuring all brake inspections, maintenance, service, or repairs to any commercial motor vehicle, subject to the motor carrier's control, meet the applicable Federal standards.

(c) No motor carrier shall require or permit any employee who does not meet the minimum brake inspector qualifications of [§396.25\(d\)](#) to be responsible for the inspection, maintenance, service or repairs of any brakes on its commercial motor vehicles.

(d) The motor carrier shall ensure that each brake inspector is qualified as follows:

(1) Understands the brake service or inspection task to be accomplished and can perform that task; and

(2) Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an assigned brake service or inspection task; and

(3) Is capable of performing the assigned brake service or inspection by reason of experience, training or both as follows:

(i) Has successfully completed an apprenticeship program sponsored by a State, a Canadian Province, a Federal agency or a labor union, or a training program approved by a State, Provincial or Federal agency, or has a certificate from a State or Canadian Province which qualifies the person to perform the assigned brake service or inspection task (including passage of Commercial Driver's License air brake tests in the case of a brake inspection); or

(ii) Has brake related training or experience or a combination thereof totaling at least one year. Such training or experience may consist of:

(A) Participation in a training program sponsored by a brake or vehicle manufacturer or similar commercial training program designed to train students in brake maintenance or inspection similar to the assigned brake service or inspection tasks; or

(B) Experience performing brake maintenance or inspection similar to the assigned brake service or inspection task in a motor carrier maintenance program; or

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(C) Experience performing brake maintenance or inspection similar to the assigned brake service or inspection task at a commercial garage, fleet leasing company, or similar facility.

(e) No motor carrier shall employ any person as a brake inspector unless the evidence of the inspector's qualifications, required under this section is maintained by the motor carrier at its principal place of business, or at the location at which the brake inspector is employed. The evidence must be maintained for the period during which the brake inspector is employed in that capacity and for one year thereafter. However, motor carriers do not have to maintain evidence of qualifications to inspect air brake systems for such inspections performed by persons who have passed the air brake knowledge and skills test for a Commercial Driver's License.

**Brake Inspectors – Enforcement**