



Commercial Vehicle Safety Alliance

North American Standard Inspection Program

I N S P E C T I O N B U L L E T I N

2010-07

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Enforcement of Medical Certificate on Passenger Carrying Vehicle Drivers

Summary

An analysis of the recent National Passenger Carrier Strike Force data indicates that 47% of the time inspectors are not placing a passenger-carrying vehicle driver OOS for failure to have in the driver's possession a valid medical certificate (391.41(a)). Item 4.b. – Medical Certificate, paragraph 3 of the OOSC requires that the driver be placed OOS when this condition exists.

The analysis was performed on all inspection reports conducted during the strike force citing this violation and indicated which inspection reports resulted in an OOS condition. The results documented that inspectors cited 391.41(a) for passenger-carrying vehicles ninety-eight (98) times during the strike force (8/23 thru 9/4/2010) yet only 46 drivers were placed OOS. The reports were sampled in Query Central to verify the accuracy of the data.

Background

The Federal Motor Carrier Safety Regulation CFR §393.41(a) states under (a)(1)(i) that "A person subject to this part must not operate a commercial motor vehicle unless he or she is medically certified as physically qualified to do so, and, except as provided in paragraph (a)(2) of this section, when on-duty has on his or her person the original, or a copy, of a current medical examiner's certificate that he or she is physically qualified to drive a commercial motor vehicle."

In September, 2008, the CVSA Executive Committee unanimously approved the following: A valid medical card not in the driver's possession (passenger-carrying vehicle only) is to be considered an out-of-service (OOS) condition. The CVSA membership subsequently accepted and approved this change to the *North American Standard Out-of-Service Criteria* (OOSC) as stated below:

To amend the North American Standard Out-of-Service Criteria, Part 1, Item 4.b. – Medical Certificate, by adding a new paragraph (3), as follows:

*(3) Operating a passenger-carrying vehicle without possessing a valid medical certificate (391.41(a)).
Place driver out-of-service.*

As of April 1, 2009, this item has been included in the *North American Standard Out-of-Service Criteria*.

Inspection Guidance

Inspectors are reminded that any driver found to be operating a passenger-carrying vehicle subject to the regulations without a valid medical certificate in their possession should be placed OOS.