



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

April 2, 2024

Sue Lawless
Deputy Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
6th Floor, West Building
Washington, DC 20590-9898

RE: Petition for Rulemaking – Amend Title 49 CFR § 396.9 to remove the requirement that motor carriers return the inspection report to the issuing agency

Dear Deputy Administrator Lawless,

Pursuant to Title 49 Code of Federal Regulations (CFR) § 389.31, the Commercial Vehicle Safety Alliance (CVSA) is petitioning the Federal Motor Carrier Safety Administration (FMCSA) to amend Title 49 CFR § 396.9(d)(3) to remove the requirement that motor carriers return inspection reports to the issuing agency certifying that all violations noted on the inspection report have been corrected.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

Justification

Currently, Title 49 CFR § 396.9(d)(3) requires that motor carriers and intermodal equipment providers return inspection reports to the issuing agency within 15 days of issuance, certifying that all necessary repairs have been made. Specifically, § 396.9(d) states:

d) ***Motor carrier or intermodal equipment provider disposition.***

- (1) The driver of any motor vehicle, including a motor vehicle transporting intermodal equipment, who receives an inspection report shall deliver a copy to both the motor carrier operating the vehicle and the intermodal equipment provider upon his/her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle or at a facility

of the intermodal equipment provider within 24 hours, the driver shall immediately mail, fax, or otherwise transmit the report to the motor carrier and intermodal equipment provider.

- (2) Motor carriers and intermodal equipment providers shall examine the report. Violations or defects noted thereon shall be corrected in accordance with [§ 396.11\(a\)\(3\)](#). Repairs of items of intermodal equipment placed out-of-service are also to be documented in the maintenance records for such equipment.
- (3) Within 15 days following the date of the inspection, the motor carrier or intermodal equipment provider shall—
 - (i) Certify that all violations noted have been corrected by completing the “Signature of Carrier/Intermodal Equipment Provider Official, Title, and Date Signed” portions of the form; and
 - (ii) Return the completed roadside inspection form to the issuing agency at the address indicated on the form and retain a copy at the motor carrier's principal place of business, at the intermodal equipment provider's principal place of business, or where the vehicle is housed for 12 months from the date of the inspection.

CVSA is requesting that FMCSA amend § 396.9(d)(3) to read:

49 CFR § 396.9(d) – Motor carrier or intermodal equipment provider disposition.

- ...
- (3) Within 15 days following the date of the inspection, the motor carrier or intermodal equipment provider shall—
 - (i) Certify that all violations noted have been corrected by completing the “Signature of Carrier/Intermodal Equipment Provider Official, Title, and Date Signed” portions of the form; and
 - (ii) ~~Return the completed roadside inspection form to the issuing agency at the address indicated on the form and r~~Retain a copy at the motor carrier's principal place of business, at the intermodal equipment provider's principal place of business, or where the vehicle is housed for 12 months from the date of the inspection.
 - (4) ~~The issuing agency has the option to require the motor carrier or intermodal equipment provider to return the completed roadside inspection form to the issuing agency as indicated on the form within 15 days following the date of the inspection.~~

According to FMCSA’s Analysis and Information Online database, in 2023, states issued 2,937,535 inspection reports, of which 1,666,282 included a violation(s).¹ Motor carriers were required to sign and return those 1,666,282 inspection reports to the issuing agency. CVSA’s Policy and Regulatory Affairs Committee received an Issue/Request for Action from the North Carolina State Highway Police, asking that the Alliance consider petitioning FMCSA to remove the requirement that motor carriers return signed inspection reports certifying that the necessary repairs have been conducted. While the regulations require the motor carrier sign and return the inspection report, there is no corresponding requirement that the issuing agency do anything with the returned form. As such, the majority of jurisdictions simply file the forms away or dispose of them, without taking any additional action that would

¹ Roadside Inspection Activity, Calendar 2023, Analysis & Information Online, Federal Motor Carrier Safety Administration, https://ai.fmcsa.dot.gov/EnforcementPrograms/Inspections?type=RoadsideInspectionActivity&time_period_id=2&report_date=2023&vehicle_type=1´_critical=0&state=NAT&domicile=ALL (last visited March 29, 2024)

benefit or improve safety. In some instances, the motor carrier is faxing or mailing a physical copy of the form to the issuing agency, which must then scan the form for digital record keeping or file the form with physical files. Further, the state jurisdictions have access to Query Central to view past inspections, should they need to for enforcement purposes, making this requirement antiquated and redundant. Removing this requirement would eliminate an unnecessary administrative burden on both the motor carriers and the state agencies who receive them, with no reduction in safety, as, is noted above, most jurisdictions do not use the forms for any purpose once they are returned.

While the majority of jurisdictions do not use the signed forms for any purpose, it is possible that a jurisdiction may use the forms as a mechanism to identify motor carriers that require additional intervention. As such, CVSA is asking FMCSA to remove the requirement that the forms be returned to the issuing agency, while still allowing jurisdictions the flexibility to require the forms be returned, should they see a safety benefit to doing so.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the agency's commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or collin.mooney@cvsa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Collin B. Mooney'.

Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance