



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

December 23, 2019

Dear CVSA Members,

The purpose of this letter is to notify you of the results of the 2019 fall issues ballot and ballot addendum and outline the approved changes to the 2020 North American Standard Out-of-Service Criteria (OOSC) and the North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in Title 49 CFR Part 173.403 (Level VI OOSC). The Commercial Vehicle Safety Alliance (CVSA) bylaws require a majority of Class I Members vote in support of proposed changes in order for changes to the OOSC to take effect.

In 2019, 58 of the 70 Class I Member jurisdictions voted on the fall issue ballot and 56 of the 70 Class I Member jurisdictions voted on the fall issues ballot addendum. The voting members of the Alliance approved 16 changes to the OOSC and one change to the Level VI OOSC, which will go into effect on April 1, 2020. In accordance with the CVSA bylaws, the proposed changes were communicated to the voting members of the Alliance on Oct. 15, 2019, and were ratified on Nov. 1, 2019.

There was an additional ballot clarification communicated to the membership regarding OOSC Ballot Item #2 on Dec. 10, 2019, which was ratified on Dec. 20, 2019.

The 2020 OOSC will be reproduced on blue paper and the changes, denoted by an asterisk (*), will be effective throughout North America starting on April 1, 2020. French and Spanish editions will also be available. The updated CVSA OOSC app will be available on April 1, 2020, in Apple and Google Play stores. Print and electronic copies of the 2020 edition of the "North American Standard Out-of-Service Criteria Handbook and Pictorial" will be available for purchase through the CVSA online store in February 2020. For a discount on bulk orders (50 or more), contact CVSA Manager of Member Services Iris Leonard at irisl@cvsa.org or 301-830-6151.

The CVSA Training Committee, the Education Quality Assurance Team (EQAT) in Canada and the National Training Center (NTC) in the U.S. will incorporate these changes, as appropriate, into the North American Standard Inspection training materials.

In addition, CVSA will host a webinar on Feb. 5, 2020, at 1 p.m. EST outlining the changes to the April 1, 2020, OOSC. The webinar/presentation will be available for annual in-service/refresher training. Registration for the webinar is required.

If you're unable to attend the webinar or are interested in viewing the recording of this webinar at a later time, CVSA members can view webinar archives through their online [CVSA member portal](#). Once logged in, click on the "My Video & Webinar Library" tab at the top of the page to view a listing of all past webinars. This webinar will be added to the archives approximately one week after the webinar concludes.

The changes for 2020 are outlined on the following pages.

Table of Contents

Changed to reflect the revisions contained in the April 1, 2020, edition of the OOSC.

Part I – North American Standard Driver Out-of-Service Criteria

- 1. Action:** Amend Part I, Item 2. OPERATOR’S/CHAUFFEUR’S LICENSE OR PERMIT (NON-CDL), a. VEHICLE 26,000 LBS. OR LESS GVWR NOT DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS OR PLACARDED LOADS OF HAZARDOUS MATERIALS by modifying the subtitle.

Rationale: Currently, Part I, Item 2.a. OPERATOR’S/CHAUFFEUR’S LICENSE OR PERMIT (NON-CDL) states that it only applies to vehicles with a gross vehicle weight rating (GVWR) of 26,000 lbs. or less not designed to transport 16 or more passengers or placarded loads of hazardous materials. With all the exemptions to a CDL, there are numerous other vehicle types over 26,000 lbs. GVWR that may have non-CDL drivers (e.g., covered farm vehicles, intrastate farm vehicles, emergency vehicles, etc.). With the current wording in the NON-CDL section of the OOSC, a driver cannot be placed out of service (OOS) for not having the proper class of driver’s license, a suspended/revoked license or being unlicensed when they are in a vehicle over 26,000 lbs. GVWR and exempt from a CDL. This amendment to the title will include those drivers in the OOSC under this section.

- 2. Action:** Amend Part I, Item 2. OPERATOR’S/CHAUFFEUR’S LICENSE OR PERMIT (NON-CDL), b. ENDORSEMENTS AND RESTRICTIONS and Part I, Item 3. COMMERCIAL DRIVER’S LICENSE (CDL), c. ENDORSEMENTS AND RESTRICTIONS by including information outlining a valid dangerous goods training certificate.

Rationale: Currently, a driver who produces an expired training certificate will not meet the criteria to be placed OOS because they would still be producing a training certificate whether it was valid or not. Once the word “valid” is added to the note under Part I, Item 3. COMMERCIAL DRIVER’S LICENSE (CDL) c. ENDORSEMENTS AND RESTRICTIONS, further definition of “valid” is required. Training certificates in Canada require informational items. If a training certificate is missing any of the six items listed in the OOSC, the certificate is considered not valid and the driver should be placed OOS. This update will ensure there is a uniform approach to what constitutes an invalid training certificate. The same note is found in Part I, Item 2.b. and Part I, Item 3.c. so the amendment applies to both sections.

- 3. Action:** Amend Part I, Item 7. DRUGS AND OTHER SUBSTANCES; AS IDENTIFIED UNDER SECTION 392.4(a) by adding OOSC regarding the FMCSA Drug and Alcohol Clearinghouse and removing “AS IDENTIFIED UNDER SECTION 392.4(a)” from the title.

Rationale: The U.S. Federal Motor Carrier Safety Administration’s (FMCSA) Drug and Alcohol Clearinghouse mandate goes into effect Jan. 6, 2020. This action will address drivers who are ineligible to drive due to failing an alcohol or drug test. Currently, this action cannot be attached to the CDL. Until new federal OOS regulation is established, inspectors should cite 390.3(e). Driver eligibility status will be displayed in Query Central, Nlets and CDLIS Gateway. The language in the heading that refers to 392.4(a) was removed because the OOS violations now listed in this section are not all located in 392.4(a).

4. **Action:** Amend Part I, Item 9. DRIVER'S RECORD OF DUTY STATUS – U.S. – FOOTNOTES FOR DRIVER'S RECORD OF DUTY STATUS – U.S. by removing reference to an AOB RD in Footnote 14 and adding a note for Footnotes 11-14.

Rationale: Since December 2017, the information in the added note outlines the policy that CVSA has used for placing drivers OOS for electronic logging device violations. Similar information is listed in FMCSA's Frequently Asked Questions document on electronic logging devices. The information regarding automatic on-board recording devices (AOBRDs) in Footnote 14 was removed as it is no longer relevant after Dec. 16, 2019.

5. **Action:** Amend Part I, Item 10. DRIVER'S RECORD OF DUTY STATUS – CANADA, h. NO DAILY LOG (See Footnote 2) by removing the OOS condition of 72 hours for no log.

Rationale: With the recent changes to the Canadian federal hours-of-service regulations, a few of the OOS conditions in Part I, Item 10 needed to be updated; specifically, those dealing with the OOS condition for production of daily logs. Previously, the federal regulations allowed for an officer/inspector to place a driver OOS for 72 hours for not producing a daily log. With the recent updates to the regulations, the ability to do so has been removed.

6. **Action:** Amend Part I, Item 10. DRIVER'S RECORD OF DUTY STATUS – CANADA – FOOTNOTES FOR DRIVER'S RECORD OF DUTY STATUS – CANADA, Footnote 2, to reduce the amount of time a driver can be behind on his/her daily log and not be declared OOS.

Rationale: Due to the removal of the 72-hour timeframe to place a driver OOS for no production of a log book, it was deemed appropriate to reduce the time a driver can be behind on his/her log before being placed OOS. The timeframe was reduced from today plus the previous day to the current day only.

7. **Action:** Amend Part I, Item 11. DRIVER'S RECORD OF DUTY STATUS – MEXICO by replacing the OOSC for Mexico to reflect the requirements in the NOM-087-SCT-2-2017 and adding footnotes.

Rationale: NOM-087-SCT-2-2017 are the regulations Mexico uses to regulate commercial motor vehicles. Mexico recently updated its hours-of-service NOMs. This update required changes to the OOSC. CVSA worked with Mexican officials to make these updates and approved the amendments as written for use in Mexico for OOS conditions.

Part II – North American Standard Vehicle Out-of-Service Criteria

8. **Action:** Amend Part II, Item 1. BRAKE SYSTEMS, a. DEFECTIVE BRAKES, Brake Adjustment Reference Charts (Clamp Type) to add the new SAE J2899 markings found on brake chambers.

Rationale: The new marking of chambers with letters as per SAE J2899 is now in effect and the newly marked brake chambers are being mounted on vehicles. The markings are easy to see and indicate the rated stroke and pushrod stroke of the chamber without the need to measure the diameter or determine if it is long or short stroke. The markings were added to the charts for easy reference.

- 9. Action:** Amend Part II, Item 1. BRAKE SYSTEMS, e. PARKING BRAKE by adding a clarification that a parking brake needs to be held by mechanical means.

Rationale: Clarification was required on whether the mechanical holding of the parking brake should be required, or if applying the parking brake with hand pressure and holding it with hand pressure was adequate. Specifically, in cases where the actuator cannot hold the parking brake in the applied position, should the vehicle be placed OOS? It was determined through discussion with the brake industry attendees that in both FMVSS 121 and FMVSS 105, the parking brake is required to be held by a mechanical means.

- 10. Action:** Amend Part II, Item 11. SUSPENSIONS, d. SUSPENSION CONNECTING ROD, TRACKING COMPONENT ASSEMBLY OR SWAY BAR COMPONENTS by removing sway bars from the OOSC.

Rationale: It was determined that the sway bar is there for comfort and not stability, and sway bars are not a critical vehicle inspection item and missing or loose sway bars should not be an OOS condition. This amendment also requires a supporting editorial edit to the note in OOSC, Part II, Item 11.b. SPRING ASSEMBLY (3), NOTE: 2. which references the title 11.d. SUSPENSION CONNECTING ROD, TRACKING COMPONENT OR SWAY BAR COMPONENTS.

- 11. Action:** Amend Part II, Item 12. TIRES, a. ANY TIRE ON ANY STEERING AXLE(S) OF A POWER UNIT, (9) and b. ALL TIRES OTHER THAN THOSE FOUND ON THE FRONT STEERING AXLE(S) OF A POWERED UNIT, (4) by clarifying that the condition refers to a wheel end of a vehicle.

Rationale: Clarification was required on whether 393.75(g) applies to a wheel end on the axle, a single tire on an axle or whether the entire axle must exceed the tire weight rating in order to constitute an OOS condition. It was determined through discussion that exceeding the tire load limits should apply to the wheel end. The OOS condition will apply when the tire or dual set exceeds the applicable load rating on the sidewall of the tire(s). The wording was amended to reflect this condition.

- 12. Action:** Amend Part II, Item 16. BUSES, MOTORCOACHES, PASSENGER VANS OR OTHER PASSENGER-CARRYING VEHICLES – EMERGENCY EXITS/ELECTRICAL CABLES AND SYSTEMS IN ENGINE AND BATTERY COMPARTMENTS/SEATING (TEMPORARY AND AISLE SEATS) by adding OOSC for emergency exits that are marked but not necessarily required.

Rationale: OOSC language was added to clarify that marked emergency exits on passenger-carrying vehicles that are obstructed should be declared OOS, whether they are required or not. The criteria were also separated to refer to marked required exits versus other marked exits. The revised criteria clearly articulate the items/conditions that constitute an OOS condition.

Part III – North American Standard Hazardous Materials/Dangerous Goods Out-of-Service Criteria

13. Action: Amend Part III, Item 3. BULK PACKAGES, c. BULK PACKAGE AUTHORIZATION by modifying the title and OOS condition to include Canadian terminology.

Rationale: The addition of Canadian terminology in the OOSC will improve uniform application of the OOS conditions and avoid any inappropriate conclusions. Adding “large means of containment” to the OOSC will make it easier for Canadian inspectors to interpret the criteria.

14. Action: Amend Part III, Item 3. BULK PACKAGES, d. VENTING DEVICES, MANHOLE COVERS, FILL/INSPECTION OPENINGS AND DISCHARGE VALVES by adding a note regarding manhole covers.

Rationale: The added note clarifies that all the fasteners on the dome need to be hand tightened all the way down to qualify as being closed and secured.

15. Action: Amend Part III, Item 6. NON-BULK PACKAGING by modifying the title and condition to include Canadian terminology.

Rationale: The addition of Canadian terminology in the OOSC will improve uniform application of the OOS conditions and avoid any inappropriate conclusions. Adding “small means of containment” to the OOSC will make it easier for Canadian inspectors to interpret the criteria.

16. Action: Add a condition to Part III, Item 10. EMERGENCY RESPONSE ASSISTANCE PLAN (ERAP) (IN CANADA ONLY) by outlining that ERAP information must be on the shipping document.

Rationale: For first responders to activate an ERAP, the ERAP reference number and implementation telephone number must be identified/listed on the shipping document. The OOSC only allowed inspectors to place a shipment OOS if the carrier/consignor did not have an approved ERAP at all. Situations have arisen where the ERAP reference number/activation telephone number was not listed on the shipping document and inspectors were not able to place the dangerous goods shipment OOS, as intended. This additional language specifies that this information is required.

Inspection Bulletins

Changed to reflect the updated bulletins since the April 1, 2019, edition of the OOSC.

Appendix

Changed to reflect the revisions made to any operational policies or inspection procedures since the April 1, 2019, edition of the OOSC.

Operational Policy 15

Changed to reflect any revisions made since the April 1, 2019, edition of the OOSC.

Associated Press Style Edits

The April 1, 2020, edition of the OOSC has minor edits throughout to ensure consistency in wording and compliance with Associated Press Style. There are edits that did not change the intent of the content that did not

require a vote from the CVSA Board of Directors and are not outlined in this summary letter. A Glossary of Abbreviations was also added to the beginning to assist with interpretations of acronyms throughout the document.

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. We appreciate your continued participation and involvement in the activities of the Alliance.

If you have any questions or need assistance accessing the materials, contact CVSA Director of Roadside Inspection Program Kerri Wirachowsky at kerriw@cvsa.org or 301-830-6153.

Respectfully,

A handwritten signature in black ink, appearing to read "Collin B. Mooney". The signature is fluid and cursive, with the first name "Collin" being more prominent.

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