



Operational Policy

North American Standard Inspection Program

Operational Policy 14

Enhancing Roadside Inspection and Enforcement Data Uniformity

Revised: Sept. 12, 2024

PURPOSE

The purpose of this policy is to enhance uniformity, consistency and thoroughness across all jurisdictions when documenting violations found during Commercial Vehicle Safety Alliance (CVSA) inspections. The most current regulations and North American Standard Out-of-Service Criteria (OOSC) shall be referred to when determining the appropriate code and when to declare a driver or vehicle out of service.

OBJECTIVE

This policy will provide guidance to inspectors for properly documenting violations to prevent erroneous violations against the driver and/or motor carrier. It will direct inspectors on how to use clear violation descriptions, which can be understood by all stakeholders, to avoid incorrect violations that may negatively affect the motor carrier's rating, reduce DataQ requests for review, and reduce the likelihood or perception of "stacking" violations.

NOTE: This guidance may not be used in a jurisdiction where documented violations do not affect a Compliance, Safety, Accountability (CSA) score.

DOCUMENTING VIOLATIONS

Inspection reports should be completed in a professional, precise manner. Motor carriers, drivers, mechanics, law enforcement, federal agencies and data quality personnel review inspection reports. Therefore, a clear, concise explanation must be provided in the description portion and accompanying notes of the inspection report. The use of acronyms or abbreviations that could be misunderstood should be avoided. Proofread the completed inspection report for accuracy and data quality, and correct misspellings.

When a violation is noted on an inspection report, indicate the location and description within the violation description field to provide sufficient information to a person not at the scene of the inspection.

EXAMPLES:

- Axle 2, driver-side (left side) inside tire has two inches of cord exposed in the sidewall
- Axle 3, passenger-side (right side), air leak found at air hose fitting at service brake chamber

It is also important to use language relevant to the regulations and out of service criteria.

EXAMPLE: Wheel fasteners (correct) vs. lug nuts (incorrect), or elongated (correct) vs. wallered (incorrect)

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PART I – DRIVER

DRIVER'S LICENSE

Suspensions/Revocations/Disqualifications

A driver who is operating a commercial motor vehicle (CMV) while suspended, revoked or otherwise disqualified shall receive a violation of the applicable regulation (383.51(a) for commercial driver's license (CDL) or 391.15(a) for non-CDL). If the driver's license is not the appropriate class/type for the vehicle being driven, an additional violation shall be recorded for failing to have the proper license for the vehicle being driven.

EXAMPLE: A driver is operating a CDL-required vehicle but possesses a non-CDL operator's license. The operator's license is suspended for a safety-related reason. The driver shall receive a violation for 383.51(a) for the suspension and an additional violation for 383.23(a)(2) because both violations must be remedied before the driver can lawfully operate that vehicle.

EXAMPLE: A driver is operating a CDL-required vehicle and possesses a CDL of the proper class. The CDL is suspended for a safety-related reason. The driver shall receive a violation for 383.51(a). Once the driver remedies the suspension, the driver will already possess the proper license to lawfully operate that vehicle.

Driver's License Restrictions

Drivers who are operating a CMV while failing to comply with a corrective lens restriction as indicated on their driver's license shall receive a violation for failing to comply with a corrective lens restriction. An additional violation shall be documented for failing to comply with medical certification requirements if noted on the driver's medical examiner's certificate as these are two distinct regulatory requirements.

MEDICAL/PHYSICAL REQUIREMENTS

Corrective Lenses/Hearing Aids

Drivers who are operating a CMV while failing to comply with a corrective lens or hearing aid requirement as noted on their medical examiner's certificate shall receive a violation for failing to comply with a corrective lens/hearing aid requirement. An additional violation shall be documented for failing to comply with driver's license restrictions if noted on the driver's license as these are two distinct regulatory requirements.

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HOURS OF SERVICE – GENERAL

Hours-of-service (HOS) violations should have specific detailed information in the inspection report regarding the HOS violation. In addition to the default language, the inspector shall provide additional information detailing the specific violation.

HOS LIMITATIONS AND FALSIFICATIONS

Violations should be recorded in a manner so all individuals (e.g., government and company officials) can clearly understand where and how the violation occurred. This aids in the prevention of record of duty status (RODS) alterations and provides specific details for a compliance review investigator.

HOS limitation or falsification violations shall be documented for the 24-hour period indicated on the RODS. Each 24-hour period should be treated separately. If the violation begins on one 24-hour period day and continues into the second day, it would be recorded as two violations. Multiple instances of the same violation during the same 24-hour period shall be recorded as one violation. Proper documentation shall include the date and time of each occurrence.

EXAMPLE: Violation occurred on Jan. 8, 2024, at 10 a.m.-12 p.m.; 1-3 p.m.; 8-10 p.m.

A false RODS violation shall be documented in addition to any HOS limitation violations that occurred on that same day if the inspector can confirm the falsification disguised an HOS limitation violation.

An HOS inspection is limited to an eight-day sample review. Inspectors shall not report or document any violations occurring outside of that time period.

HOS violations shall not be indicated as a violation when an inspector has knowledge that a driver has been previously cited for the same HOS violation(s) on a driver/vehicle inspection report within the current day or previous seven consecutive days, unless a new HOS violation has occurred. The inspector should reference and record the previous inspection report number in the notes section of the driver/vehicle inspection report.

ELECTRONIC LOGGING DEVICE

Mounting

Any violations for improper mounting or visibility of an electronic logging device (ELD) shall be documented once per inspection.

In-Vehicle Information

Violations for failing to produce ELD operating instructions, transfer instructions, malfunction instructions and supplies of blank RODS shall **each** be documented only once per inspection, if applicable. Violations shall not be documented if the driver can present a paper or electronic version of these documents or retrieve them from within the ELD to display to the inspector upon request.

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ELD Transfer

Violations for failing to transfer an ELD record upon request shall be documented once per inspection. A violation shall only be cited if the inspector verifies adequate cellular service exists and the driver is unable to utilize the transfer instruction sheet and not able to transfer the ELD records upon request.

DOCUMENTING DRIVER OUT-OF-SERVICE CONDITIONS

Hours of Service

For HOS violations that result in an out-of-service (OOS) condition, the inspector should indicate the required off-duty and/or sleeper berth duration required to re-establish eligibility to drive. The only OOS condition for which a time would be acceptable is a 60/70-hour rule violation (e.g., Driver OOS until 12:01 a.m. on 09/01/2024).

EXAMPLE: Driver is OOS until two hours off-duty/sleeper berth is obtained or eight hours of sleeper berth is obtained.

For all other driver OOS conditions, inspectors should indicate what specifically needs to be corrected. Inspectors should avoid using the word “qualified.”

EXAMPLE: Driver is OOS until valid medical examiner’s certificate is in possession. Driver is OOS until proper class license for operating the vehicle is obtained.

Inspectors shall document the location where the driver was placed OOS on the inspection report.

CO-DRIVERS

NOTE: Refer to Operational Policy 13 for the inspection of co-drivers.

Co-driver violations that are discovered during a roadside inspection shall be documented on an inspection report if there is proof that the co-driver operated the vehicle during the current eight-day period and the violation existed at that time.

EXAMPLE: A co-driver does not possess the proper license for the vehicle, and the inspector can verify the co-driver operated the vehicle within the previous seven days according to the RODS.

A co-driver shall not be placed OOS under any circumstances on an inspection report. An inspector reserves the right to inform a co-driver that they are unable to lawfully operate a CMV under the laws of that jurisdiction, but the report should not indicate the co-driver was placed OOS.

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PART II – VEHICLE

BRAKE SYSTEMS

Defective Service Brakes

Each violation shall be documented separately.

EXAMPLE: A two-axle trailer with contaminated linings on all brakes shall have four violations of 393.47(a):

- Axle 3, driver-side, contaminated brake lining
- Axle 3, passenger-side, contaminated brake lining
- Axle 4, driver-side, contaminated brake lining
- Axle 4, passenger-side, contaminated brake lining

20% Criterion

All violations on the same wheel end shall be counted as one defective brake toward the 20% criterion. However, each violation shall be documented individually.

EXAMPLE: A three-axle truck with an inoperative brake and contaminated linings on the same wheel end on the third axle passenger-side:

- Axle 3, passenger-side, inoperative brake (393.48(a))
- Axle 3, passenger-side, contaminated lining (393.47(a))

For each violation that contributes to the 20% criterion, the violation description shall indicate the violation is “Part of 20% criterion.”

All Brakes Located on the Front Steering Axle

Each violation shall be documented separately.

NOTE: An oil-contaminated brake lining caused by an active wheel seal leak are two separate violations.

Individual Air Brake Violations

Air Loss Rate

One OOS violation shall be documented.

NOTE: This OOS violation is in addition to any air leaks discovered during the inspection.

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Air Pressure Gauge

One violation per gauge shall be documented.

NOTE: A single gauge with two needles or digital displays represents two systems and shall be recorded as two separate violations.

Low Air Pressure Warning Device

One violation shall be documented.

Spring Brake Chambers

One violation shall be documented per wheel end.

Tractor Protection System/Bleed-back Valve

One violation per system shall be documented.

EXAMPLE: When the trailer supply valve fails to close before the air pressure in both gauges drops below 20 psi (138 kPa) and/or air escapes from either gladhand upon brake application, it shall be documented as one violation. If air escapes from the gladhand coupler at the front of the trailer(s), a separate violation shall be documented for a defective spring brake control valve.

Trailer Breakaway and Emergency Braking

All violations of the same regulatory section or subsection shall be grouped together as one violation per vehicle.

Air Reservoir (Tank)

One violation per air reservoir/tank shall be documented.

Air Compressor

One violation shall be documented.

Disconnected Gladhand (Air Brakes)

All required air brakes on towed vehicle(s) that are inoperative because the service gladhand is not connected to the trailer(s) shall be documented as one violation.

NOTE: After service gladhand connection is re-established, all towed vehicle(s) required brakes shall be inspected and, if applicable, documented as outlined in the brakes section in this policy.

EXAMPLE: After the gladhand connection is re-established, if two brakes are found inoperative, two violations for inoperative brakes shall be documented in addition to the disconnected gladhand violation.

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Hydraulic Brakes

Master Cylinder

One violation per unit shall be documented.

Leaking Hydraulic Fluid

One violation per leaking component shall be documented.

NOTE: A violation shall be documented for each observable leaking hydraulic fluid in a brake system upon full application, including those systems utilizing power steering fluid for the brake booster assembly. This violation is separate from power steering fluid leaks discovered during the inspection.

Pedal Travel Reserve

One violation shall be documented.

Brake Power Assist/Hydraulic Brake Backup

One violation shall be documented.

Brake Failure Warning System

One violation shall be documented.

Vacuum Brakes

Vacuum Reserve

One violation shall be documented.

Electric Brakes

Disconnected Power Cord (Electric Brakes)

All required electric brakes on towed vehicle(s) inoperative due to no electrical connection shall be documented as one violation.

NOTE: After electrical connection is re-established, all towed vehicle(s) required brakes shall be inspected and, if applicable, documented as per the defective service brake guidance in this policy.

Performance-Based Brake Test (PBBT)

One violation per commercial motor vehicle or combination shall be documented on the power unit.

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All Brake System Types

Anti-Lock Brake System

Power Unit - All violations of the same regulatory section or subsection shall be grouped together and documented as one violation per vehicle.

NOTE: When documenting power unit anti-lock brake system (ABS) malfunction lamp violations on the dash, indicate whether it is the power unit or trailer ABS lamp.

Towed Vehicles - All violations of the same regulatory section or subsection shall be grouped together and documented as one violation per vehicle.

Brake Drums or Rotors (Discs)

One violation shall be documented per wheel end.

Brake Smoke/Fire

One violation shall be documented per wheel end.

Brake Hose/Tubing

All violations of the same regulatory section or subsection shall be grouped together as one violation per hose/tube.

NOTE: Refer to Operational Policy 5 for defective emergency or service brake hoses/tubing between towing vehicle and trailers.

Parking Brake

One violation per commercial motor vehicle shall be documented.

BUSES, MOTORCOACHES, PASSENGER CARRIER VANS OR OTHER PASSENGER-CARRYING VEHICLES – EMERGENCY EXITS/ELECTRICAL CABLES AND SYSTEMS IN ENGINE AND BATTERY COMPARTMENTS/SEATING (TEMPORARY AND AISLE SEATS)

Emergency Exits

Identification marking violations shall be documented as one violation per vehicle.

Operating instruction marking violations shall be documented as one violation per vehicle.

Release handle label violations shall be documented as one violation per vehicle.

Missing required exit violations shall be documented as one violation per vehicle.

Obstructed required/marked exit violations shall be documented as one violation per vehicle.

Inoperative required/marked exit violations shall be documented as one violation per vehicle.

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Electrical Cable or Line

Electrical cable or line violations shall be documented as one violation per vehicle.

Loose and/or Temporary Seating

Seat violations shall be documented as one violation per vehicle.

CAB AND BODY COMPONENTS

All violations of the same regulatory section or subsection shall be grouped together and documented as one violation per vehicle.

CARGO SECUREMENT

General Provisions (OOS Violations)

All OOS violations found in sections 393.100, 393.106 or 393.110 shall be documented as one OOS violation per section on each transport unit.

Specific Commodity (OOS Violations)

Each OOS violation found in sections 393.116 through 393.136 shall be documented as one OOS violation per section on each transport unit.

NOTE: All violations of any subsections of the same regulatory section for a specific commodity will be grouped together and documented as one violation per load under the section number (e.g., load of metal coils loaded eyes lengthwise – 393.120(d)(1)(i) indicates the metal coil must be supported off the deck of the trailer – 393.120(d)(1)(iv) must have one tiedown attached transversely over the top of the coil). This OOS violation would be cited as 393.120(d). Separate issues within the section should be outlined in the remarks.

In addition to commodity-specific violations, a violation of Title 49 Code of Federal Regulations (CFR) 393.106 and/or 393.110 (National Safety Code, Standard 10, Section 10 or 22) may exist.

EXAMPLE: A heavy vehicle/machinery with four chain tiedowns, one of which is loose, shall be documented as follows:

- Loose tiedown, 393.104(f)(3)
- Does not meet minimum of four tiedowns, 393.130(c)
- Does not meet minimum aggregate working load limit for tiedowns, 393.106(d)

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Defective Tiedowns

All violations of the same regulatory section or subsection shall be grouped together as one violation per vehicle.

EXAMPLES:

- All 393.104(b) violations shall be grouped together.
- All 393.104(f)(2) violations shall be grouped together.
- All 393.104(f)(4) violations shall be grouped together.
- All 393.106(d) violations shall be grouped together.
- One knotted tiedown (393.104(f)(1)) and one damaged tiedown (393.104(b)) on the same vehicle shall be documented as separate violations.
- Multiple violations on the same tiedown shall be documented as one violation per tiedown. All the violations within the tiedown shall be included in the violation description.

A tiedown or anchor point that is found to have a defect as outlined in the “Tiedown Defect Table” shall not be considered when determining the weight and/or length requirements and documented as a violation of 393.104.

Individual tiedowns being used to secure cargo found in conditions outlined in the table are not OOS, only violations. If these tiedowns are required to meet the requirements for length and/or weight, the OOS condition(s) shall be documented under the applicable weight and/or length and/or the specific commodity.

COUPLING DEVICES

Defective Coupling Device (fifth wheel):

- Each OOS violation shall be documented separately.
- One violation shall be documented for each type of violation, per device, per side.

Defective Coupling Device (all others):

- Each OOS violation shall be documented separately.
- One violation shall be documented for each type of violation per device.

NOTE: Refer to Operational Policy 5 for defective coupling devices between the towing vehicle and trailer(s).

DRIVELINE/DRIVESHAFT

Document each violation separately.

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DRIVER'S SEAT

One violation per seat shall be documented.

SEAT BELT ASSEMBLIES

One violation per seat belt assembly shall be documented.

ELECTRICAL (wires exposed)

One violation per electrical wire/cable shall be documented.

EMERGENCY EQUIPMENT

Fire Extinguisher

All violations shall be grouped together as one violation.

Spare Fuses

All violations shall be grouped together as one violation.

NOTE: See Operational Policy 15, XX. Miscellaneous - Spare fuses.

Warning Devices

All violations shall be grouped together as one violation.

EXHAUST

One violation shall be documented per exhaust system.

FRAMES

One violation shall be documented per frame rail.

EXAMPLES:

- Two cracks in the same frame rail shall be documented as one violation.
- Two cracks, one on each frame rail (non-OOS or OOS), shall be documented as two violations.

FLOORS

One violation shall be documented.

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NOTE: A floor violation is separate from an exhaust violation that allows fumes into the driver/sleeper compartment.

FUEL SYSTEMS

One violation shall be documented per violation type.

HORN

One violation shall be documented.

NOTE: A violation shall not be documented if at least one horn (air or electric) is operable.

LIGHTING DEVICES

Lamp Mounting/Steady Burning Lamps/Flashing Lamps

Headlamps

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit. (393.24).

Lamps other than Headlamps

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit. (393.25).

Critical Lamps (headlamps, tail lamps, stop lamps, turn signals and lamps/flags on projecting lamps)

NOTE: When all required lights on the towed vehicle are inoperative due to no electrical connection, one violation of 393.23PT shall be documented on the rearmost unit, when applicable.

Headlamps

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit. (393.9 or 393.11, as appropriate).

EXAMPLES:

- All inoperative headlamps shall be documented as one OOS violation of 393.9(a) when lights are required to be on.
- One obscured required headlamp shall be documented as one violation of 393.9(b).
- One missing required headlamp shall be documented as one violation of 393.11.

Stop Lamps

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit. (393.9 or 393.11, as appropriate).

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EXAMPLES:

- All stop lamps inoperative on the rearmost unit shall be documented as one OOS violation of 393.9(a).
- Two obscured required stop lamps shall be documented as one violation of 393.9(b).
- One missing required stop lamp shall be documented as one violation of 393.11.

Tail Lamps

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit.

EXAMPLES:

- All inoperative required tail lamps on the rearmost unit shall be documented as one OOS violation of 393.9(a) when lights are required to be on.
- Two obscured required tail lamps on the lead unit shall be documented as one violation of 393.9(b).
- One missing required tail lamp at the rear of any trailing unit shall be documented as one violation of 393.11.

Turn Signals

Each violation of the same regulatory section or subsection is documented as a separate violation.

EXAMPLES:

- Each inoperative required turn signal on the rearmost unit shall be documented as one OOS violation each of 393.9(a).
- Any obscured required turn signal on either the power unit or rear of any trailing unit (other than the rearmost trailing unit) shall be documented separately as 393.9(b).
- Any missing required turn signal on the front of the lead or at the rear of any trailing unit (other than the rearmost trailing unit) shall be documented separately as 393.11.
- Two turn signal violations on the power unit and two turn signal violations on the trailing unit shall be documented as four separate violations. Only the rearmost trailing unit turn signals are OOS violations.

Non-Critical Lamps (identification, clearance, side marker, license plate, reverse lamps)

Backup Lamp (Reverse Lamp)

One violation shall be documented.

NOTE: A minimum of one lamp anywhere on the rear of a power unit is required. A violation shall not be documented until no lamps are operable or present on the power unit. While some trailers may be equipped with backup lamps, there is no violation for a trailer with an inoperative backup lamp.

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Clearance Lamps

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit.

EXAMPLES:

- Two inoperative clearance lamps on each vehicle (one front and one rear) shall be documented as one violation of 393.9(a).
- Two obscured clearance lamps obscured on each vehicle (one front and one rear) shall be documented as one violation of 393.9(b).
- Two missing clearance lamps on each vehicle (one front and one rear) shall be documented as one violation of 393.11.

Identification Lamps

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit.

EXAMPLES:

- Two inoperative identification lamps on each vehicle (one front and one rear) shall be documented as one violation of 393.9(a).
- Two obscured identification lamps on each vehicle (one front and one rear) shall be documented as one violation of 393.9(b).
- Two missing identification lamps on each vehicle (one front and one rear) shall be documented as one violation of 393.11.

License Plate Lamps

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit.

NOTE: A required license plate must be present and properly affixed to the rear of the vehicle for a violation to exist.

Side Marker Lamps (front, intermediate and rear)

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit.

EXAMPLES:

- Two inoperative side marker lamps on each vehicle (one front and one rear) shall be documented as one violation of 393.9(a).
- Two obscured side marker lamps on each vehicle (one front and one rear) shall be documented as one violation of 393.9(b).
- Two missing side marker lamps on each vehicle (one front and one rear) shall be documented as one violation of 393.11.

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Vehicular Hazard Warning Signal Flasher Lamps

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit (393.9 or 393.11, as appropriate).

LED Lights

No violation exists for the number of burned-out diodes as long as visibility requirements for that specific lamp are met.

Conspicuity Systems/Retro-reflective Sheeting

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit.

EXAMPLES:

- One or both missing lower rear conspicuity treatments for a truck-tractor manufactured on/after July 1, 1997, shall be documented as one violation of 393.11TL.
- One or both missing upper rear conspicuity treatments for a truck-tractor manufactured on/after July 1, 1997, shall be documented as one violation of 393.11TU.
- One or both missing side conspicuity treatments for a trailer manufactured on/after Dec. 1, 1993, shall be documented as one violation of 393.11S.
- One or both missing lower rear conspicuity treatments for a trailer manufactured on/after Dec. 1, 1993, shall be documented as one violation of 393.11LR.
- One or both missing upper rear conspicuity treatments for a trailer manufactured on/after Dec. 1, 1993, shall be documented as one violation of 393.11UR.

MIRRORS

One violation shall be documented.

OIL/GREASE LEAKS (OTHER THAN WHEEL SEALS)

One violation per vehicle shall be documented.

NOTE: Refer to Operational Policy 15, Item XX. b. (3), for oil and grease leaks.

PERIODIC INSPECTION

One violation per vehicle shall be documented and be as descriptive as possible.

EXAMPLES:

- No inspection decal or copy of inspection on vehicle or located by driver
- Annual inspection expired on March 23, 2024

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NOTE: A violation shall not be documented until the first day of the 13th month after the inspection. For example, if a periodic inspection was completed on March 15, enforcement action shall not be taken until April 1 of the following year.

NOTE: Documentation of a valid periodic inspection may be in the form of a decal on the vehicle, a paper or electronic copy of the inspection, or a state-equivalent inspection.

RAISED LIFT AXLES

For violations on raised lift axles, refer to Operational Policy 5, Raised lift axle(s).

REAR IMPACT GUARDS

All violations of the same regulatory section or subsection shall be grouped together as one violation per vehicle.

SLEEPER BERTH

All violations of the same regulatory section or subsection shall be grouped together as one violation.

STEERING MECHANISMS

One violation shall be documented per violation type.

SUSPENSIONS

Document each OOS violation separately; however, only one OOS violation shall be documented for each leaf spring assembly.

EXAMPLE: A broken main leaf of a three-spring assembly shall only be documented as one OOS violation.

Document each violation type separately per axle end.

TIRES

Document each violation separately.

NOTE: If a violation of state/province/territory weight laws (e.g., 2,500 lbs. over axle weight) is discovered, and the tire load is in excess of the tire weight rating, the violations shall be documented separately.

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VAN AND OPEN-TOP TRAILER BODIES

One violation shall be documented per violation type.

WARNING FLAGS/LAMPS ON PROJECTING LOADS

All violations of the same regulatory section or subsection shall be grouped together as one violation per vehicle.

WHEELS/RIMS/HUBS

Each wheel, rim or hub violation shall be documented separately.

EXAMPLE: A cracked wheel and a leaking wheel seal on the same wheel shall be documented as two separate violations.

NOTE: A brake lining contaminated with oil or grease due to an active wheel seal leak are two separate violations.

Document each violation type as one violation per wheel end.

EXAMPLE: Three missing wheel fasteners on one wheel end shall be documented as one violation, or multiple cracks on the same wheel shall be documented as one violation.

WINDOWS AND WINDSHIELDS

All violations of the same regulatory section or subsection shall be grouped together as one violation regardless of whether it is a single windshield or multi-piece windshield.

EXAMPLE: A damaged windshield (393.60(c)) and a tinted windshield (393.60(d)) shall be documented as two separate violations.

WINDSHIELD WIPERS

One violation shall be documented on the power unit.

FAILURE TO CORRECT VIOLATIONS/OPERATING AN OUT OF SERVICE VEHICLE

One violation shall be documented per vehicle.

NOTE: Failing to correct violations or operating an out of service vehicle will not result in a driver violation.

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PART III – HAZARDOUS MATERIALS/DANGEROUS GOODS

Violations relating to the hazardous materials section should be cited against the carrier or shipper/offeror in accordance with agency/department policy. Violations cited under Title 49 Code of Federal Regulations Part 177 should include a reference to the specific section, subsection or subparagraph.

Stacking of violations is prohibited on roadside inspections in accordance with Operational Policy 17.

If the below guidance would result in a combination of an out-of-service violation with a non-out-of-service violation, then each violation shall be documented separately.

TRANSPORT VEHICLE (PLACARDING OR MARKING)/PACKAGING/MEANS OF CONTAINMENT

All violations of the same regulatory section, subsection or subparagraphs shall be grouped together as one violation per transport vehicle. Multiple violations of the same regulatory sections, subsections or subparagraphs should be listed in the notes section.

Examples including but not limited to: supports, anchors, inspection test dates, manholes

NOTE: For securement of hazardous materials, refer to the Cargo Securement Section of this policy.

HAZARDOUS MATERIALS/DANGEROUS GOODS COMMUNICATION

1. Markings

All violations of the same regulatory section, subsection or subparagraphs relating to markings shall be documented as one violation per shipper/offeror. Multiple violations of the same regulatory sections, subsections or subparagraphs should be listed in the notes section.

NOTE: For transport vehicle markings, refer to Transport Vehicle guidance section of this policy.

Packaging Marking Example 1:

A transport vehicle contains packages of the same class from two different shippers/offerors. ABC Shipping has a package of Class 8 hazardous material with the improper size UN number for that package. XYZ Shipping has three packages of Class 8 hazardous material with the improper size UN number for that package. This should be listed as one violation for ABC Shipping and one violation for XYZ Shipping on the inspection report.

Packaging Marking Example 2:

A single dry van transport vehicle has three packages containing three different hazard class materials on board, all missing required proper technical names. This should only be listed as a single violation of this subsection on the report.

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2. Labeling

All violations of the same regulatory section, subsection, or subparagraphs relating to labeling shall be documented as one violation per shipper/offendor. Multiple violations of the same regulatory sections, subsections, or subparagraphs should be listed in the notes section.

Labeling Example 1:

A straight truck is transporting a single package of hazardous material requiring a primary and subsidiary label on the package. The primary and subsidiary labels are placed on a different surface of the package than the proper shipping name, and the subsidiary label is more than 6 inches from the primary label. The package is of sufficient size to properly label according to regulations. This should be listed as two violations, one for the 172.406(a)(ii) violation for the label on a different surface than proper shipping name. A second violation for the 172.406(c) violation for labels not within 6 inches of each other.

Labeling Example 2:

A single dry van is transporting three packages of the same Hazardous materials from the same shipper/offendor. Each package is found with a label that does not meet the size requirements listed in Part 172.407(c). Only one violation should be listed on the inspection report.

3. Packaging Placarding

All violations of the same regulatory section, subsection or subparagraphs relating to the communication of hazardous materials shall be grouped together as one violation per transport vehicle or shipper/offendor as appropriate. Multiple violations of the same regulatory sections, subsections or subparagraphs should be listed in the notes section.

NOTE: For transport vehicle placards, refer to Transport Vehicle guidance section of this policy.

Examples to include but not limited to:

1. All Part 172.516(c)(1) violations are grouped together per transport vehicle.
2. All Part 172.516(c)(6) violations are grouped together per transport vehicle.
3. All Part 172.519(b)(1) violations are grouped together per transport vehicle.
4. All Part 172.519(b)(4) violations are grouped together per transport vehicle.
5. All Part 172.519(c)(1) violations are grouped together per transport vehicle.

4. Shipping Papers

All violations of the same regulatory section, subsection or subparagraphs relating to shipping papers shall be documented as one violation per shipper/offendor. Multiple violations of the same regulatory sections, subsections or subparagraphs should be listed in the notes section.

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Examples including but not limited to:

Shipping Paper Example 1:

You stop XYZ Transport for an inspection and the driver presents you with a three-page shipping paper from #1 Chemical Company. You observe a shipping paper violation on pages one and two; both violations are of the same regulatory section. This would be documented as only one violation.

Shipping Paper Example 2: You stop XYZ Transport for an inspection and the driver presents you with three separate shipping papers. One from #1 Chemical Company, one from #2 Chemical Company, and one from #3 Chemical Company. You observe a shipping paper violation on the shipping paper from #1 Chemical Company and #2 Chemical Company; both violations are of the same regulatory section. Because the violations occurred on SEPARATE shipping papers, this would be documented as two separate violations.

SECUREMENT OF HAZARDOUS MATERIALS/DANGEROUS GOODS

All violations of the same regulatory section or subsection shall be grouped together as one violation per unit.

Proper hazardous materials/dangerous goods (HM/DG) package cargo securement shall ensure that relative motion between packages is kept to a minimum. Any movement that will adversely affect the safety of the HM/DG packages during normal transportation shall not be allowed. Relative motion between packages consistent with vehicle motion during normal transportation is not a violation unless package integrity could be affected since a motor vehicle in motion is not a rigid structure.

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PART IV – ADMINISTRATIVE

MOTOR CARRIER NAME AND USDOT NUMBER/MARKING

One violation shall be documented.

NOTE: If the motor carrier has not been issued a USDOT number, a violation shall not be documented for failing to display a USDOT number. However, a violation for failing to display the motor carrier name shall be documented if the name was not displayed on the power unit in accordance with 49 CFR § 390.21.

INACTIVE/NO USDOT NUMBER

One violation shall be documented.

OPERATING AUTHORITY

One violation shall be documented.

NOTE: Operating authority only applies to for-hire motor carriers operating CMVs transporting non-exempt commodities (refer to FMCSA's Administrative Ruling 119 for the composite commodity list and 49 CFR § 372.115, commodities that are not exempt). Empty CMVs are not subject to operating authority.

NOTE: Operating authority, when applicable, shall be documented separately from the out of service order violations.

U.S. FEDERAL OUT-OF-SERVICE ORDERS

One violation shall be documented per regulatory section.

NOTE: Out-of-service orders, when applicable, shall be documented separately from operating authority violations.