


GENERAL ORDER

	Effective: January 4, 2022	Number: 21-25-006
	Subject: COMMERCIAL VEHICLE ENFORCEMENT AND NORTH AMERICAN INSPECTION PROGRAM	
	Reference: Minn. Stat. secs. 169.771 , 169.85 , 299D.06 ; <i>State v. Stall</i> , 845 N.W.2d 246 (Minn. Ct. App. 2014)	
	Special Instructions: Rescinds GOs 15-25-006, 10-25-010 and 10-70-020; Chief's Memo 14-009	Distribution: C, F

I. PURPOSE

This policy is intended to establish uniform guidelines for members of the Minnesota State Patrol when conducting commercial vehicle inspections. The goal of the Minnesota State Patrol's commercial vehicle enforcement safety program is to reduce commercial motor vehicle involvement in crashes that result in property damage, injuries, and fatalities through a consistent, uniform, and effective inspection program.

II. POLICY

The Minnesota State Patrol uses fixed scale facilities, temporary roadside inspection/enforcement locations, and traffic enforcement as a pro-active approach to promoting safe movements and deterring the unsafe operation of commercial vehicles on Minnesota's roadways. Destination/terminal inspections may also be conducted but are limited to passenger-carrying vehicles. Enforcement activities are to be conducted within legal requirements, in an unbiased nondiscriminatory manner, and according to appropriate enforcement practices.

Only Minnesota State Patrol employees who are certified to conduct commercial motor vehicle inspections through the North American Standard Training (NAST) are authorized to perform inspections on commercial vehicles and drivers. All commercial vehicle and driver inspections must be conducted in accordance with the North American Standard (NAS) inspection procedures and operational policies as developed by the Federal Motor Carrier Safety Administration (FMCSA) and the Commercial Vehicle Safety Alliance (CVSA). All commercial vehicle and driver out-of-service orders shall be issued in accordance with CVSA's North American Out-of-Service criteria in effect at the time of the inspection. This does not preclude any sworn personnel of the State Patrol who are not certified to conduct inspections from taking enforcement action on a commercial vehicle.

III. AUTHORITY

Minn. Stat. secs. [169.771](#), [169.85](#), [299D.03](#), and [299D.06](#) authorize and direct the Minnesota State Patrol and its authorized personnel to conduct commercial motor vehicle inspections and weighing. *State v. Stall*, 845 N.W.2d 246 (Minn. Ct. App. 2014) establishes that commercial vehicle inspectors lack authority to stop a moving vehicle for spot-check or inspection under Minn. Stat. sec. 169.771.

IV. INSPECTION SELECTION PROCEDURES

- A. Priority for inspection selection shall be given to those situations where there is an observed violation related to the driver, vehicle, or the size and weight of the vehicle(s).
- B. Enforcement personnel may also use federal database data (carrier safety rating) information, including insufficient data from previous inspections (new carrier) when screening vehicles at fixed locations as a method for considering an inspection on a commercial vehicle.
- C. When enforcement personnel are selecting vehicles for spot-check inspections, the vehicle selection must be systematic according to a predetermined method, e.g. every commercial vehicle, every third commercial vehicle, etc. Traffic volume, location, and number of employees shall be considered in implementing the inspection methodology being used. The selection method or system may be changed if operational conditions so require.

- D. Drivers and vehicles selected for an inspection that are not based on an observed violation or federal carrier safety ratings shall be done in an unbiased, nondiscriminatory, and equitable way. The methodology used when selecting a commercial vehicle for spot-check inspection should be documented in the inspection notes of the driver/vehicle examination report.
- E. Enforcement personnel conducting commercial vehicle inspections shall adhere to the nondiscrimination requirements of the Federal Motor Carrier Safety Administration (FMCSA) Title VI Program. Notice of compliance with the Title VI program will be posted at all fixed weigh stations where inspections are conducted, as well as on the State Patrol's Commercial Vehicle Section website.

V. COMMERCIAL VEHICLE SAFETY ALLIANCE OUT-OF-SERVICE CRITERIA

A. General

1. Minnesota state law adopts the Commercial Vehicle Safety Alliance (CVSA) Out-of-Service Criteria in full. Its application shall be uniform and consistent.
2. During the course of a commercial vehicle inspection, all violations noted shall be compared with the applicable parts of the current CVSA Out-of-Service Criteria to ensure all critical violations are noted appropriately. This includes Part I (Driver), Part II (Vehicle), Part III (Hazardous Materials), and Part IV (Administrative).
3. In the case of a vehicle being placed out-of-service for violations noted in Part II, III, or IV, an out-of-service decal shall be affixed to each of the vehicles being declared out of service, with the violations properly annotated on the decal.
4. When a driver is declared out-of-service, the driver shall be instructed not to operate a commercial vehicle until the conditions of the order are met. If the conditions of the out-of-service order require a certain amount of time to pass before being allowed to drive, the out-of-service time shall commence at the time the driver is released from the inspection. The driver may remain with the vehicle. The out-of-service violations shall be noted on the out-of-service decal, with clear notations as to the conditions of the out-of-service violation(s). The out-of-service decal shall be given to the driver to place on the inside of the windshield (not affixed).
5. Only personnel who are NAS-certified may place a vehicle or driver out of service for violations that are noted in the CVSA Out-of-Service Criteria.

B. Location of Out-of-Service Order

1. If a vehicle is placed out-of-service but it is not suitable to park the vehicle at the current location, the out-of-service vehicle maybe moved to the nearest safe location, but only if to do so poses no greater hazard than to remain at the current location. The vehicle should be followed to the location, and upon arriving at the safe location, personnel shall affix the Out-of-Service decal(s). In cases where the vehicle(s) cannot be driven and are not in a suitable location, the vehicle(s) may be towed to a safe location.
2. When placing a driver out-of-service, care should be given to ensure the driver has adequate access to necessary facilities based on the length of the out-of-service order.

C. Towing Out-of-Service Vehicles

1. Enforcement personnel shall not allow vehicles to be towed to a place of repair except by means of a properly equipping towing vehicle; flatbed, crane, or hoist. A combination consisting of an emergency towing vehicle and an out-of-service vehicle must be in compliance with all regulations.
2. A flatbed truck or trailer may be used to transport an out-of-service vehicle regardless of any mechanical defects which rendered the vehicle out-of-service. However, out-of-service defects such as leaking fuel or hazardous materials violations must be corrected onsite before the out-of-service vehicle(s) may be transported on another vehicle.

D. Out-Of-Service Notification

1. In the following situations, when a driver or vehicle is declared out-of-service, employees shall ensure the driver has notified the carrier by telephone or other means of communication:
 - a. Vehicles transporting hazardous materials which must be placarded or are prohibited to be left

- unattended.
 - b. Vehicles transporting perishable commodities.
 - c. Cargo tanks transporting commodities which require temperature control.
 - d. Vehicles transporting livestock or other living creatures.
 - e. Vehicles transporting mail for the U.S. Postal Service.
 - f. Vehicles transporting people.
2. The carrier should be advised that responsibility for protection of the vehicle, its cargo, accessories, and contents rests solely with the carrier.
 3. In driver out-of-service actions, the carrier should be informed that the action does not prohibit the driver from remaining with the vehicle; rather, the action prohibits the driver from operating a commercial vehicle until the driver has met the requirements of the section specified by the out-of-service order.
 4. The identity of the carrier representative contacted should be recorded in the driver/vehicle examination report.

VI. DRIVER/VEHICLE EXAMINATION REPORT

- A. All driver and vehicle violations observed or discovered during the inspection process, as the vehicle/driver was originally presented, shall be documented in the appropriate driver/vehicle examination report.
- B. Employees shall ensure all details pertaining to the inspection, including but not limited to: date, time, level of inspection, location, and any applicable grant or shift information, are a true and accurate documentation of the enforcement event.
- C. At the conclusion of every commercial vehicle inspection, employees shall review the driver/vehicle examination report with the driver and provide them with a signed copy. If amendments are needed after the driver and/or vehicle have been released, the motor carrier responsible for the movement of the commercial vehicle shall be contacted and provided with an updated copy of the driver/vehicle examination report. In the event the driver is not present, the motor carrier shall be notified and provided with the explanation and a copy of the report.
- D. The noting of violations as warnings and providing a copy to the driver satisfies the requirements of General Order 90-013 (Warning, Citations, and e-Citation).
- E. Details regarding the inspection event shall be documented in the Mobile Data Computer system (CAD) as required in General Order 40-011.

VII. ROADSIDE NON-TRAFFIC ENFORCEMENT SATURATION DETAILS

- A. Site Selection
 1. The District 4700 Commander and regional supervisors shall be responsible for assisting all personnel in finding suitable locations for enforcement details. The locations selected should be in an area where there is a likelihood of maximum detection and deterrence of violations of commercial vehicle rules and regulations. This does not preclude enforcement officers from determining other safe sites where it has been determined that commercial vehicles in the area are not in compliance with vehicle rules and regulations.
 2. It is not the intent or purpose of this General Order that a mobile inspection/enforcement operation be confined to one location for an entire assigned work period.
 3. Selected sites must be located where the safety of the general motoring public, enforcement, and the commercial vehicle operators can be maximized.
 - a. There must be good visibility and/or illumination.
 - b. There must be sufficient room for enforcement and subject vehicles.
 - c. Posted speed limits and traffic volume must allow for vehicles to be directed out of the traffic stream without significant inconvenience to the commercial vehicle operator or the general motoring public.
 - d. Road and weather conditions must be conducive to safe operation of the inspection site.

- e. There should be a minimum opportunity for commercial vehicle operators to evade the inspection site.
- f. If employees are conducting an inspection detail for an extended period of time, inspection site message boards shall be placed in such a manner to provide adequate warning and to protect all vehicles stopped in the inspection/enforcement site.
- g. Inspection/enforcement operations are not recommended on high volume roadways or interstate highways unless the commercial motor vehicles can be safely directed off the roadway to a location where an inspection can be conducted away from traffic. A preferred method on these roadways is to direct selected traffic off the thoroughfare into a rest area, exit, or other appropriate location. Extra warning precautions are to be used when an inspection/enforcement site is established on a freeway or Interstate Highway (i.e. changeable message sign).

B. Set-Up Procedures

1. Appropriate equipment necessary for the mobile inspection/ enforcement site operation shall include, but not be limited to, the following:
 - a. Adequate and appropriate warning signs including traffic cones and barricades when necessary.
 - b. Adequate number of personnel appropriate to the operational needs.
 - c. Appropriate equipment necessary to complete any level inspection.
2. Employees assigned to the mobile inspection/enforcement will be required to bring all of their issued equipment to the detail.
3. For each vehicle stopped for the purpose of weight enforcement and or inspection, a “CVI- Commercial Vehicle Inspection event” shall be created in CAD. This does not include vehicles screened by a weigh-in-motion system or other weight enforcement process.

VIII. POST-CRASH INSPECTION

- A. Minn. Stat. sec. 169.783 requires a commercial motor vehicle post-crash inspection to be completed when the incident involves a fatality, bodily injury requiring immediate medical treatment away from the scene, or one or more motor vehicles involved incurred disabling damage requiring a tow. This does not preclude an inspection on a vehicle if the inspection is being done as part of the crash investigation, even if the inspection is not required by statute. The applicable ‘POST CRASH’ field should be checked in the current driver/vehicle examination report software, indicating the inspection is being conducted a result of a crash regardless if it meets the statutorily required definition.
- B. Employees should consider the circumstances surrounding the incident when deciding the appropriate level of inspection, including but not limited to crash severity, witness statements, crash causation, recommendation of the agency or law enforcement officer leading the crash investigation, and weather.
- C. All violations should be documented in the appropriate driver/vehicle examination report, and in accordance with the standards and policies of FMCSA and CVSA. All violations noted during the inspection that are a direct result of the crash event should be properly coded as such. A copy of the completed driver/vehicle examination report shall be provided to the investigating officer/agency.
- D. A field report shall be completed as a supplement to the driver/vehicle examination report. The field report should provide, at a minimum, details regarding the circumstances surrounding the request for the post-crash inspection, the role the member had in the overall investigation, and any other pertinent facts not detailed in the driver/vehicle examination report.

IX. TITLE VI PROGRAM REQUIREMENTS

- A. It is the policy of the Minnesota State Patrol Commercial Vehicle Section to uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and related non-discrimination authorities as identified in the FMCSA Title VI Program that has been signed by the Chief of the MN State Patrol. These authorities require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any federally funded program or activity on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency.
- B. The Minnesota State Patrol has adopted a Public Notice of Title VI Program Rights that informs the public regarding how to obtain more information on Title VI or how to file a complaint. This public notice shall be posted for public access at all fixed scale locations and on the Minnesota State Patrol’s Commercial Vehicle Section website: <https://dps.mn.gov/divisions/msp/commercial-vehicles/Documents/Title%20VI/title-vi-intro-page.pdf>
- C. The Commercial Vehicle Section’s Grant Coordinator shall monitor MSP’s Title VI compliance by:
 - 1. Ensuring compliance and implementation of Title VI Program Compliance Plan.
 - 2. Providing Title VI Program-related training to personnel which conduct enforcement activities including the adherence to FMCSA Enforcement Memorandum regarding ELP versus LEP (MC-ECE-2016-006).
 - 3. Correcting deficiencies, when found to exist.
 - 4. Documenting complaints and ensure complaints filed by member of the public (including drivers) are disposed of in accordance with the Complaint Disposition Process section of the Minnesota State Patrol’s Title VI Program Compliance Plan.

X. AUDITING

The District 4700 Commander is responsible for the establishment and implementation of procedures related to the auditing of member inspections to ensure compliance with State Patrol and CVSA policy.

Approved:

SIGNED 1/4/2022

**Colonel Matthew Langer, Chief
Minnesota State Patrol**