



Minnesota State Patrol-District 4700

Commercial Vehicle Section

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MEMO

Date: June 21, 2012

4700-12-003

**To: District 4700 Enforcement Personnel
and NAST Personnel**

**From: Tim Rogotzke 651/405-6180
Commander, Commercial Vehicle Section**

**Subject: Enforcement Procedures Reminder Concerning CMV
Drivers Impaired Due To Fatigue and/or Illness**

As you know, the Court's Order dated September 21, 2011 in the OOIDA case states that a commercial motor vehicle driver cannot be ordered out of service unless "there is probable cause to believe that the driver, due to fatigue or illness, is unsafe to drive because there is an imminent risk to public safety." The Order further states that when a driver is placed out of service, the driver must also be issued a citation.

You may have heard or seen that the CVSA's Out of Service Criteria issued on April 1, 2012 states that only "reasonable articulable suspicion" is necessary to declare a driver out of service for fatigue and/or illness.

This is to remind you that it is the Court's Order dated September 21, 2011 in the OOIDA case that Minnesota State Patrol Troopers and CVIs who conduct NAST driver inspections should rely upon when impairment due to fatigue or illness is at issue.

Should you have any questions regarding this information, please feel free to contact me.

4700-V-50-E



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Office of
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