

GENERAL ORDER

	Effective: August 24, 2010	Number: 10-70-020
	Subject: UNIFORM DRIVER/VEHICLE OUT-OF-SERVICE	
	Reference: North American Uniform Out-of-Service Criteria 49 CFR Parts 107,171-173,177,180,383,387,390-393, 395-397 ; Minn. Stat.§§ 169.025 , 169.771 , 169.85 , 221.031 , 221.605 , 299D.03 , 299D.06 ; General Orders 25-002 , 25-010	
	Special Instructions: Rescinds General Order 96-70-020 **Post in public areas of fixed site commercial driver and vehicle inspection stations**	Distribution: A,B,C,F

I. POLICY

It is the policy of the Minnesota State Patrol to utilize the North American Uniform Out-of-Service Criteria to ensure that any driver violating the criteria is placed out-of-service and any commercial vehicle which, by reason of its mechanical condition or manner of loading would likely cause a crash or breakdown, is removed from the roadway until it is restored to a safe operating condition.

II. STANDARD

All driver and commercial vehicle out-of-service orders must be issued consistent with the North American Standard Out-Of-Service Criteria as developed by the Federal Motor Carrier Safety Administration (FMCSA) in conjunction with the Commercial Vehicle Safety Alliance (CVSA).

III. VEHICLE OUT-OF-SERVICE

A. General

When, during a traffic stop or vehicle inspection, any defect listed in Part II of the North American Uniform Out-of-Service Criteria is detected, the vehicle shall be placed out-of-service. (Note: Commercial motor vehicle inspections may only be conducted by NAST certified personnel; however any Trooper or CVI may place a vehicle out-of-service for violations.)

1. An Out-of-Service decal shall be affixed to each vehicle declared out-of-service.
2. In the case of a combination vehicle, an Out-of-Service decal shall be affixed to each unit declared out-of-service.

B. Location of Vehicle

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 may be moved to the nearest safe location, but only if to do so poses no greater hazard than to remain at the current location.

1. The employee shall accompany the out-of-service vehicle to the safe location.
2. Upon arriving at the safe location, the employee shall affix the Out-of-Service decal(s).

C. Towing Out-Of-Service Vehicles

No consent may be given for any type of vehicle to be towed to a place of repair except by means of a towing vehicle equipped with and using a crane or hoist. A combination consisting of an emergency towing vehicle and an out-of-service vehicle must be in compliance with all regulations.

Examples:

1. If the out-of-service vehicle has a leaking fuel tank, the leak would have to be repaired before the vehicle could be towed.

2. If the vehicle has an out-of-service tire on the steering axle, the vehicle can only be towed from the front with the out-of-service tire off the ground. 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 may be transported on another vehicle.

IV. DRIVER OUT-OF-SERVICE

- A. Part I of the North American Uniform Out-of-Service Criteria regarding Driver Out-of-Service shall be complied with in its entirety.
- B. When a driver is declared out-of-service, that driver shall not operate a commercial vehicle until the conditions of the out-of-service criteria are met.
- C. Any time a driver is placed out-of-service, complete the Vehicle/ Driver Out-of-Service Notice form.
 1. Record the date and time at which the driver will again be eligible to drive. (Hours of service, fatigue or illness, and certain alcohol related violations only.)
 2. Advise the driver that he/she may not operate a commercial vehicle until the time indicated. The driver may remain with the vehicle in an on-duty status.
 3. If the driver was placed out-of-service for a violation other than hours of service, briefly note the requirement which must be met in place of the date and time. (Example: CDL obtained or Waiver of Physical Defect obtained).

V. NOTIFICATION TO CARRIER OF OUT-OF-SERVICE VEHICLE/DRIVER

- A. When a driver or vehicle is declared out-of-service, the carrier must be notified by telephone in the following situations:
 1. Vehicles transporting hazardous materials which must be placarded or are prohibited to be left unattended.
 2. Vehicles transporting perishable commodities.
 3. Cargo tanks transporting commodities which require temperature control.
 4. Vehicles transporting livestock or other living creatures.
 5. Vehicles transporting mail for the U.S. Postal Service.
- B. The carrier should be advised that responsibility for protection of the vehicle, its cargo, accessories, and contents rests solely with the carrier.
- C. In driver out-of-service actions, the carrier should be informed that the action does not prohibit the driver from remaining on-duty with the vehicle; rather, the action prohibits the driver from driving a commercial vehicle until he/she has met the requirements of the section specified by the out-of-service order.
- D. Record the identity of the carrier representative contacted.

Approved:

Signed 08/24/2010

**Colonel Mark A. Dunaski, Chief
Minnesota State Patrol**