

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5  
AMEND ARTICLE 7.5, SECTION 1239

### COMMERCIAL VEHICLE SAFETY ALLIANCE, NORTH AMERICAN STANDARD OUT-OF-SERVICE CRITERIA (CHP-R-15-03)

#### **PROBLEM**

Current regulations adopt, by reference, major portions of the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2014, Edition. This criteria outlines conditions by which a commercial vehicle may be placed out-of-service (OOS) as a result of an inspection by an authorized representative of the California Highway Patrol (CHP). California Highway Patrol personnel utilize these criteria for determining whether or not a vehicle, its cargo, and/or driver is in an unsafe condition which would likely constitute a hazard on the highways and should be placed OOS. The Commercial Vehicle Safety Alliance (CVSA) reviews and updates the criteria annually, and in order to remain consistent, the CHP must update its regulations to reflect the most current OOS criteria available.

#### **PURPOSE AND NECESSITY OF REGULATIONS**

The CHP proposes to update the incorporation, by reference, of the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2014, Edition, to the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2015, Edition, in Title 13, California Code of Regulations (CCR). The intent of these criteria is to maintain specific guidelines for determining whether or not a vehicle, its cargo, and/or driver is in such an unsafe condition that it would likely constitute a hazard on the highways. Additionally, the criteria include other non-substantive changes. This criteria provides consistency for California with its neighboring states, Canada, and Mexico, and maintains a regulatory basis for enforcement efforts as they relate to commercial vehicle OOS criteria. Most OOS criteria listed are also violations of the statutes of the California Vehicle Code (CVC) or Title 13, CCR, which are already in effect. Updating regulations to reflect the most current edition is necessary to continue to provide the regulatory authority to place a driver and/or vehicle OOS and to issue a citation.

Section 34501(a)(1) CVC authorizes the CHP to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in Sections 34500 and 34500.3 CVC. Additionally, Section 2402 CVC provides the CHP Commissioner with the authority to, "make and enforce such rules and regulations as may be necessary to carry out the duties of the Department," and Section 2410 CVC provides the

authority for the CHP to place vehicles OOS (Attorney General’s Opinion NS 2520) in order to ensure safety.

## **SECTION BY SECTION OVERVIEW**

### **§1239. Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria.**

The CHP proposes that the CVSA, North American Standard Out-of-Service Criteria, April 1, 2015, Edition, be incorporated by reference into Title 13 CCR. The CVSA, North American Standard Out-of-Service Criteria is a document that is annually reviewed and updated by the CVSA, and encompasses a vast cross section of industry and public safety concerns. The Out-of-Service Criteria is an administrative procedure which has been developed to aid the law enforcement officer in determining when a defect or violation has deteriorated to a point where it is likely to result in a breakdown or accident, and must be repaired or corrected before the vehicle and/or driver are allowed to operate on the highways of North America. It is also important to note the CVSA consists of representatives from law enforcement, truck and bus companies, manufacturers, safety product and service providers, and insurance companies. The adoption is necessary to maintain consistency in the inspection processes across North America and to maintain a high level of safety upon the highways.

### **Changes to the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria (April 1, 2015, Edition):**

*Existing Text:* Times New Roman 12 point font.

*Additions:* Times New Roman 12 point font with single underline.

*Deletions:* ~~Times New Roman 12 point font with strikethrough.~~

#### **\*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.

\* (1) Is not licensed for the type of vehicle being operated. (391.11(b)(5))  
**Declare driver out-of-service. (Out-of-service action to be initiated only upon home jurisdiction license verification.)**

#### **\*6. FATIGUE**

~~When so fatigued that the driver of a commercial motor vehicle should not continue the trip.~~ When a driver operates a commercial motor vehicle while his/her ability or alertness is so impaired, or so likely to become impaired, through fatigue as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle. (392.3) **Declare driver out-of-service until no longer fatigued.**

## 7. COMMUNICATION

~~In recognition of the three countries' language differences, it is the responsibility of the driver and the motor carrier to be able to communicate in the country in which the driver/carrier is operating so that safety is not compromised. Driver is unable to communicate sufficiently to understand and respond to official inquiries and directions. (391.11(b)(2))~~ **Declare driver out of service.**

**\*7. DRUGS AND OTHER SUBSTANCES; AS IDENTIFIED UNDER SECTION 392.4(a).**

**\*8. INTOXICATING BEVERAGES**

**\*9. DRIVER'S RECORD OF DUTY STATUS – U.S**

**\*10. DRIVER'S RECORD OF DUTY STATUS – Canada**

**\*11. DRIVER'S RECORD OF DUTY STATUS – Mexico**

### Part II

**\*1. BRAKE SYSTEMS**

\*a. Defective Brakes

(5) Drum (Cam-Type and Wedge) Air Brakes

(c) Defective Lining Conditions

i. Lining cracks or voids that exceed 1/16 inch (1.6 mm) in width observable on the edge of the lining. (393.47(a))

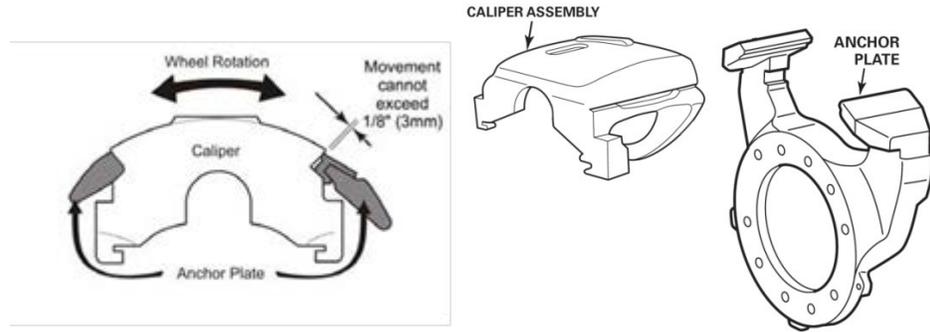
***Operational Policy 15 – Inspection/Regulatory Guidance:  
Regulatory Guidance 1.b.(1) – Cracks/Rust Jacking***

\*(7) Hydraulic and Electric Brakes

(a) Missing or broken caliper, pad retaining component, brake pad, shoe, or lining. (393.48(a))

**\*(b) Loose or missing brake caliper mounting bolt. (393.48(a))**

- \*(c) Movement of the caliper within the anchor plate, in the direction of wheel rotation, exceeds 1/8 inches (3.2 mm). (393.48(a))



- \*(d) Rotor or drum has evidence of metal to metal contact on the friction surface. (393.47(d)(2))
- \*(e) Rotor has severe rusting on the rotor friction surface on either side (light rusting on the friction surface is normal). (393.48(a))
- \*(f) Friction surface of the brake rotor and the brake friction material are contaminated by oil, grease, or brake fluid. (393.47(a))

**NOTE:** Refer to “Wheels, Rims and Hubs” if wheel seal is actively leaking.

- \*(g) Lining or pad with a thickness 1/16 inch (1.6 mm) or less for disc or drum brakes. (393.47(d)(2))

\*b. Front Steering Axle(s) Brakes

\*(4) Hydraulic Brakes – (Front Steering Brakes)

- (a) Missing lining or pad. (393.47(a))
- \*(b) Loose or missing brake caliper mounting bolt. (393.48(a))
- \*(c) Movement of the caliper within the anchor plate, in the direction of wheel rotation, exceeds 1/8 inches (3.2 mm). (393.48(a))
- \*(d) Rotor has evidence of metal to metal contact on the friction surface. (393.47(d)(1))
- \*(e) Rotor has severe rusting on the rotor friction surface on either side (light rusting on the friction surface is normal). (393.48(a))

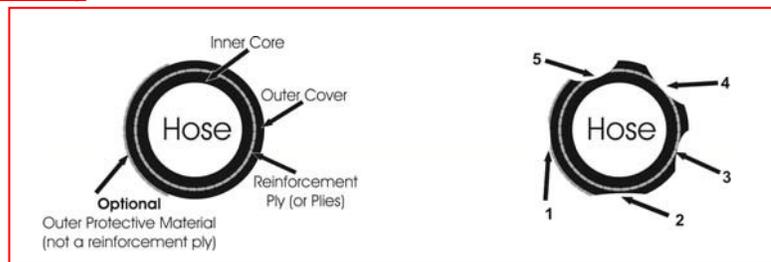
\*(f) The friction surface of the brake drum or rotor and the brake friction material are contaminated by oil, grease, or brake fluid. (393.47(a))

**NOTE:** Refer to “Wheels, Rims and Hubs” if wheel seal is actively leaking.

\*(g) Pad with a thickness 1/16 inch (1.6 mm) or less for disc brakes. (393.47(d)(1))

\*h. Air Brake Hose/Tubing

\*(1) Any damage extending through the ~~outer~~ reinforcement ply. (393.45(a))  
(as per 4 or 5 below)



<u>Ref #</u>	<u>Visual Characteristics</u>	<u>OOS Status</u>
<u>1</u>	<u>Wear extends into outer protective material.</u>	<u>Not “OOS”</u>
<u>2</u>	<u>Wear extends through outer protective material into outer cover.</u>	<u>Not “OOS”</u>
<u>3</u>	<u>Wear makes reinforcement ply visible, but ply is intact.</u>	<u>Not “OOS”</u>
<u>4</u>	<u>Reinforcement ply is visible and ply is frayed, severed, or cut through.</u>	<u>“OOS”</u>
<u>5</u>	<u>Wear extends through reinforcement ply.</u>	<u>“OOS”</u>

**Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 1.b.(2) – Air Hose Violations**

(3) Audible air leak at other than a proper connection. (393.45(a))  
*Inspection Bulletin 2010-05 – MCI Buses with Detroit Diesel Engines*

*Inspection Guidance—Interpretation #4*

**Operational Policy 15 – Inspection/Regulatory Guidance: OOS Frequently Asked Questions 1.a.(1) – Proper Connections**

**Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 1.b.(3) – Air Leaks**

\*(4) Improperly joined, such as a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube. (393.45(a))

\*o. Hydraulic Brakes

\*(4) Improperly joined, such as a splice made by sliding a hose/tube end over the brake line and clamping the hose to the brake line. (393.45(a))

\*(5) Any observable leaking hydraulic fluid in the brake system upon full application. (393.45(a))

\*(6) No pedal travel reserve with engine running upon full brake application.

\*(7) Brake power assist unit is inoperative. (396.3(a)(1))

\*(8) Hydraulic power brake (HPB) unit is inoperative. (396.3(a)(1))

\*(9) Brake failure warning system is missing, inoperative, disconnected, defective or activated while the engine is running with or without brake application. (393.51(b))

\*(10) The hydraulic brake backup system is inoperative. (396.3(a)(1))

***Inspection Bulletin 2012-04 – Hydraulic Brake System Inspection Procedures***  
***Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory***  
***Guidance 2.b.(2) – Violation Guidance for Damaged Tiedowns***

**\*2. CARGO SECUREMENT**

f. Article(s) of cargo that is blocked, braced or immobilized to prevent movement in the forward direction by a headerboard, bulkhead, other articles which are adequately secured or by an appropriate blocking or immobilization method, is not secured by at least one tiedown for every 10 feet (3.04 m) of article length, or fraction thereof. (393.110(c))

**NOTE:** Tiedowns shall be positioned as follows:

iii. To accommodate anchor points or cargo damage considerations, tiedowns may be spaced or grouped at lengths greater or less than 10 feet (3.04 m).

***Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory***  
***Guidance 2.b.(1) – Bungee Cord/Trap Straps***

***Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory***  
***Guidance 2.b.(4) – Hay and Straw Bales***

*Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 2.b.(5) – Stretch Film and/or Shrink-Wrap*

*Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 2.b.(7) – Friction Mats*

i. Metal Coils

Not secured per the commodity specific securement requirements. (393.120)

*Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance*

n. Heavy Vehicles, Equipment and Machinery

Not secured per the commodity specific securement requirements. (393.130)

~~*Inspection Guidance – Interpretation #3*~~

*Operational Policy 15 – Inspection/Regulatory Guidance: OOS Frequently Asked Questions 2.a.(1) – Auxiliary Equipment*

o. Flattened or Crushed Vehicles

Not secured per the commodity specific securement requirements. (393.132)

*Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 2.b.(6) – Cubed/Crushed Cars*

~~*Inspection Guidance – Interpretation #6*~~

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

Individual tiedowns being used to secure cargo found in conditions outlined in the table are not out-of-service, only violations. If these tiedowns are required to meet the requirements for length and/or weight, the out-of-service condition(s) will be recorded under the applicable weight and/or length and/or the specific commodity. (393.104)

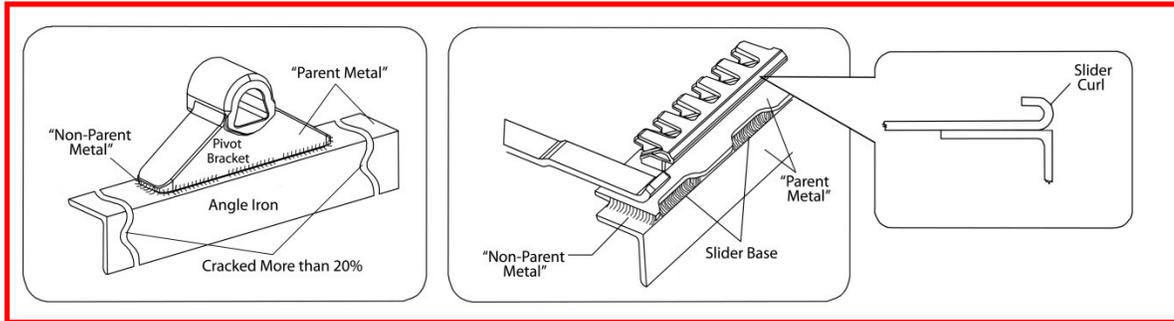
*Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 2.b.(2) – Violation Guidance for Damaged Tiedowns*

**\*3. COUPLING DEVICES**

**NOTE:** The following criterion only applies when the device is in use.

*NOTE: “Parent Metal” is the part (angle iron, pivot bracket, mounting plate, slider base plate, fifth wheel plate, upper coupler)*

“Non-Parent Metal” is weld material.



\*a. Fifth Wheels: (Lower Coupler Assembly)

\*(1) Mounting to Frame

\*(a) More than 20 percent of fasteners on either side of the vehicle are missing or ineffective. (393.70(b)(1)(i))

\*(c) ~~Any mounting angle iron cracked or broken.~~ A crack in the mounting angle iron (parent metal) extending more than 20 percent of the distance across the metal in the direction of the crack. (393.70(b)(1)(i))

NOTE: ~~Any repair weld cracking, well defined (especially open) cracks in stress or load bearing areas, cracks through 20 percent or more original welds or parent metal.~~

\*(d) A crack, or a gap caused by corrosion, that is 1/8 inch (3.2 mm) or more in width. (393.70(b)(1)(i))

\*(e) More than 20 percent of the total length of all the original welds (including fore and aft welds) are cracked on either side of the vehicle. (393.70(b)(1)(i))

\*(f) A repair weld is cracked. (393.70(b)(1)(i))

\*(2) Mounting Plates & Pivot Brackets

\*(a) More than 20 percent of fasteners on either side of the vehicle are missing or ineffective. (393.70(b)(1)(i))

\*(b) ~~Any welds or parent metal cracked.~~ A crack in the mounting plate or pivot bracket (parent metal) extending more than 20 percent of the distance across the metal in the direction of the crack. (393.70(b)(1)(i))

~~NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load bearing areas, cracks through 20 percent or more original welds or parent metal.~~

\*(c) A crack, or a gap caused by corrosion, that is 1/8 inch (3.2 mm) or more in width. (393.70(b)(1)(i))

\*(d) More than 20 percent of the total length of all the original welds (including fore and aft welds) are cracked on either side of the vehicle. (393.70(b)(1)(i))

\*(e) A repair weld is cracked. (393.70(b)(1)(i))

\*(f) More than 3/8 inch (9.5 mm) horizontal movement between pivot bracket pin and bracket. (393.70(b)(1)(i))

\*(g) Pivot bracket pin missing or not secured. (393.70(b)(1)(i))

\*(3) Sliders

\*(a) More than 25 percent of latching fasteners on either side of the vehicle are ineffective. (393.70(b)(1)(i))

\*(c) Movement of more than 3/8 inch (9.5 mm) between slider bracket and slider base. (393.70(b)(1)(i))

\*(d) A slide curl is broken, cracked or repaired by welding. (393.70(b)(1)(i))

\*(5) Fifth Wheel Plate

~~Cracks in fifth wheel plate. (396.3(a)(1))~~

~~NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load bearing areas, cracks through 20 percent or more original welds or parent metal.~~

\*(a) A crack in the fifth wheel plate (parent metal) extending more than 20 percent of the distance across the metal in the direction of the crack. (396.3(a)(1))

\*(b) A crack, or a gap caused by corrosion, that is 1/8 inch (3.2 mm) or more in width. (396.3(a)(1))

\*(c) A repair weld is cracked. (396.3(a)(1))

**EXCEPTIONS:** (1) Cracks in fifth wheel approach ramps, and (2) casting shrinkage cracks in the ribs of the body of a cast fifth wheel.

\*b. Upper Coupler Assembly: (Including Kingpin)

- (1) Horizontal movement between the upper and lower fifth wheel halves exceeds 1/2 inch (12.5 mm). (396.3(a)(1))

**Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 3.b.(1) – Fifth Wheel Play**

- ~~\*(5) Any welds or parent metal cracked.~~ A crack in the upper coupler (parent metal) extending more than 20 percent of the distance across the metal in the direction of the crack. (393.70(b)(1)(i))

~~NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load bearing areas, cracks through 20 percent or more original welds or parent metal.~~

- ~~\*(6) A repair weld cracked.~~ A crack, or a gap caused by corrosion, that is 1/8 inch (3.2 mm) or more in width. (393.70(b)(1)(i))

- ~~\*(7) More than 20 percent of the total length of all the original welds are cracked on either side, front or back of the upper coupler.~~ More than 20 percent of the total length of all the original welds are cracked on either side, front or back of the upper coupler. (393.70(b)(1)(i))

- ~~\*(8) A repair weld cracked.~~ A repair weld cracked. (393.70(b)(1)(i))

c. Pintle Hooks

Mounting and Integrity

- (4) Section reduction visible when coupled. (Trailer - 393.70(c) or Driveaway- 393.71(h))

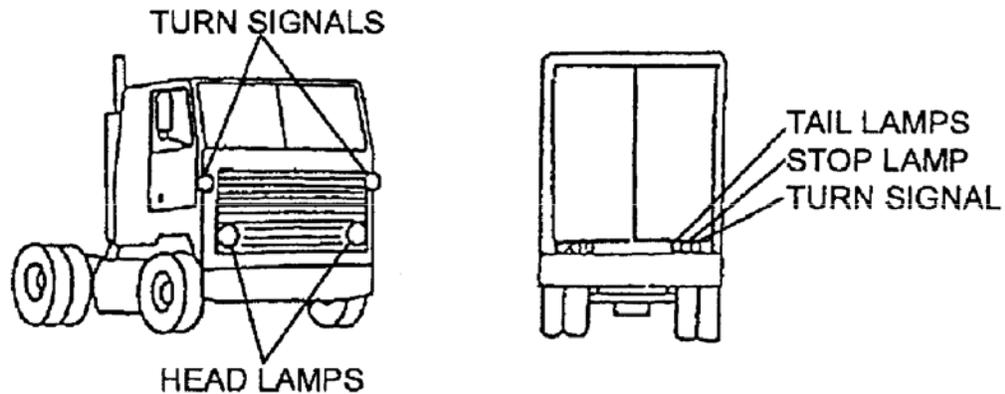
**NOTE:** No part of the horn should have any section reduced by more than 20 percent. If wear can be seen when the hook and eye are coupled, it is possible that either this condition or section reduction in the draw bar eye exists.

**Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 3.b.(2) – Pintle Hook Violations**

8. **LIGHTING DEVICES (HEADLAMPS, TAIL LAMPS, STOP LAMPS, TURN SIGNALS AND LAMPS/FLAGS ON PROJECTING LOADS)**

b. At Anytime – Day or Night

- (3) Does not have at least one required flag on the rear of loads projecting more than four feet beyond the vehicle body. (393.87(a))



***Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 8.b.(1) – Clearance Light Violations***

***Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 8.b.(2) – Converter Dolly Lighting***

***Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 8.b.(3) – Retro-Reflective Sheeting***

9. **STEERING MECHANISMS**

g. Ball and Socket Joints

- (2) Any motion, other than rotational, between any linkage member and its attachment point of more than 1/8 inch (3.2 mm) measured with hand pressure only. (393.209(d))

***Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory Guidance 9.b.(1) – Ball and Socket Violations***

10. **SUSPENSIONS**

a. Axle Parts/Members

- (1) Any u-bolt(s) or other spring to axle clamp bolt(s) cracked, broken, loose, or missing. (393.207(a))

***Inspection Guidance – Interpretation #1***

**Operational Policy 15 – Inspection/Regulatory Guidance: OOS**  
**Frequently Asked Questions 10.a.(1) – Spring Eye U-Bolt**

- (2) Any axle, axle housing, spring hanger(s), or other axle positioning part(s) cracked, broken, loose, or missing resulting in shifting of an axle from its normal position. (393.207(a))

**NOTE:** After a turn, lateral axle displacement is normal with some suspensions including composite springs mounted on steering axles.  
*Inspection Guidance—Interpretation #5 & #7*

**Operational Policy 15 – Inspection/Regulatory Guidance: OOS**  
**Frequently Asked Questions 10.a.(2) – Rebound Bolts**

b. Spring Assembly

- (3) Any broken main leaf in a leaf spring. (393.207(c))

**Operational Policy 15 – Inspection/Regulatory Guidance: OOS**  
**Frequently Asked Questions 10.a.(3) – Cross Tube Brace**

d. Suspension Connecting Rod, Tracking Component Assembly or Sway Bar Components

- (1) Any part of a suspension connecting rod or tracking component assembly (including spring leaves used as a suspension connecting rod) or any part used for attaching same to the vehicle frame or axle that is cracked, loose, broken, or missing. (393.207(a))

*Inspection Guidance—Interpretation #5 & #7*

**Operational Policy 15 – Inspection/Regulatory Guidance: OOS**  
**Frequently Asked Questions 10.a.(2) – Rebound Bolts**

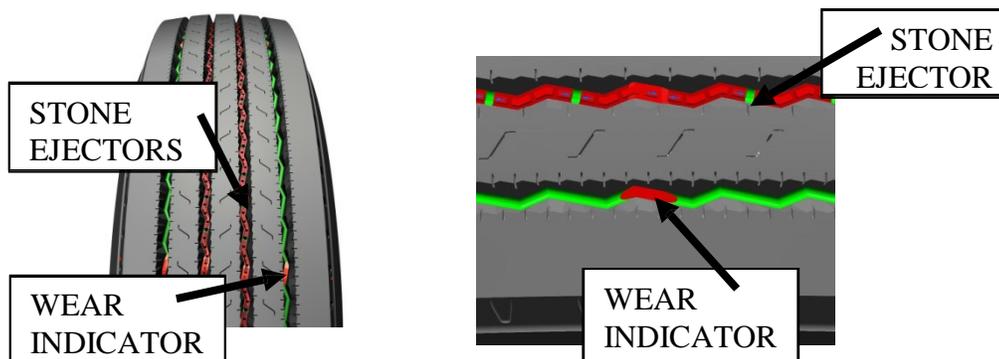
**Operational Policy 15 – Inspection/Regulatory Guidance: OOS**  
**Frequently Asked Questions 10.a.(3) – Cross Tube Brace**

**11. TIRES**

a. Any Tire on Any Front Steering Axle(s) of a Power Unit

- (1) With less than 2/32 inch (1.6 mm) tread when measured in any two adjacent major tread grooves (typically any groove containing a tread wear indicator) at any location on the tire. (393.75(b))

**NOTE:** Measurements should not be made on stone ejectors or tread wear indicators.



**Operational Policy 15 – Inspection/Regulatory Guidance: OOS  
Frequently Asked Questions 11.a.(1) – Major Tread Groove**

- (7) Tire has noticeable (e.g., can be heard or felt) leak, or has fifty (50) percent or less of the maximum inflation pressure marked on the tire sidewall. (393.75(a)(3))

**NOTE:** Measure tire air pressure only if there is evidence the tire is under-inflated.

**Operational Policy 15 – Inspection/Regulatory Guidance: Regulatory  
Guidance 11.b.(1) – Tire Inflation Pressure**

b. All Tires Other Than Those Found on the Front Steering Axle(s) of a Powered Unit

- (7) Radial Ply Tire: When more than one ply is exposed in the sidewall and the area exceeds 2 square inches (12.9 sq cm). (393.75(a)(1))

**The following conditions apply to all tires; however, when these conditions are found on a dual tire set, both tires must meet one or more of the conditions listed in item 10**1**.b.**

- (11) So worn that less than 1/32 inch (.8 mm) tread remains when measured in any two adjacent major tread grooves typically any groove containing a tread wear indicator) at 3 separate locations around the circumference of the tire at least 8 inches apart. (393.75(c))

**NOTE:** Measurements should not be made on stone ejectors or tread wear indicators.

**Inspection Guidance—Interpretation #2**

*Operational Policy 15 – Inspection/Regulatory Guidance: OOS  
Frequently Asked Questions 13.a.(1) – Removing a Wheel/Chaining Up  
an Axle*

13. **WHEELS, RIMS AND HUBS**

i. Hubs

(5) No visible or measurable amount of lubricant showing in hub. (396.5(a))

*Operational Policy 15 – Inspection/Regulatory Guidance: OOS Frequently  
Asked Questions 13.a.(1) – Removing a Wheel/Chaining Up an Axle*

\*15. ~~EMERGENCY EXITS AND/OR ELECTRICAL CABLES AND SYSTEMS IN  
ENGINES AND BATTERY COMPARTMENTS (BUSES)~~ **BUSES, MOTOR  
COACHES, PASSENGER VANS OR OTHER PASSENGER CARRYING  
VEHICLES – EMERGENCY EXITS/ELECTRICAL CABLES AND SYSTEMS  
IN ENGINE AND BATTERY COMPARTMENTS/SEATING**

\*c. Loose and/or Temporary Seating

\* (1) No bus, motor coach, passenger van or other passenger carrying vehicle:

\* (a) Shall be equipped with aisle seats unless such seats are so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied. (393.91)

\* (b) Shall be operated if any temporary seating, occupied or not, therein is not secured to the vehicle in a workmanlike manner. This includes the use of items not designed for use as seats in vehicles, including but not limited to, milk crates, folding chairs, plastic steps, or plastic stools. (393.91)

\* (c) Shall be operated with the presence of any seating, whether secured or unsecured, in excess of the manufacturer's (manufacturer, remanufacturer, or final stage manufacturer) designed seating capacity. (390.33)

**NOTE:** (a), (b) or (c) does not apply to mobility devices (such as wheel chairs) secured in vehicles using proper tiedowns.

## North American Standard Inspection Levels

### Level I

North American Standard Inspection – An inspection that includes examination of driver’s license; medical examiner’s certificate and Skill Performance Evaluation (SPE) Certificate (if applicable); alcohol and drugs; driver’s record of duty status as required; hours of service; seat belt; vehicle inspection report(s) (if applicable); brake systems; cargo securement; coupling devices; driveline/driveshaft; exhaust systems; frames; fuel systems; lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps/flags on projecting loads); steering mechanisms; suspensions; tires; van and open-top trailer bodies; wheels, rims and hubs; windshield wipers; buses, motor coaches, passenger vans or other passenger carrying vehicles emergency exits and/or emergency exits/electrical cables and systems in engine and battery compartments (buses)/seating, and HM/DG requirements as applicable. HM/DG required inspection items will be inspected by certified HM/DG inspectors.

### Level II

Walk-Around Driver/Vehicle Inspection – An examination that includes each of the items specified under the North American Standard Level II Walk-Around Driver/Vehicle Inspection Procedure. As a minimum, Level II inspections must include examination of: driver’s license; medical examiner’s certificate and Skill Performance Evaluation (SPE) Certificate (if applicable); alcohol and drugs; driver’s record of duty status as required; hours of service; seat belt; vehicle inspection report(s) (if applicable); brake systems; cargo securement; coupling devices; driveline/driveshaft; exhaust systems; frames; fuel systems; lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps/flags on projecting loads); steering mechanisms; suspensions; tires; van and open-top trailer bodies; wheels, rims and hubs; buses, motor coaches, passenger vans or other passenger carrying vehicles emergency exits and/or emergency exits/electrical cables and systems in engine and battery compartments (buses)/seating, and HM/DG requirements as applicable. HM/DG required inspection items will be inspected by certified HM/DG inspectors. It is contemplated that the walk-around driver/vehicle inspection will include only those items, which can be inspected without physically getting under the vehicle.

### Critical Vehicle Inspection Items

- Buses, Motor Coaches, Passenger Vans or Other Passenger Carrying Vehicles – Emergency Exits/Electrical Cables and Systems in Engine and Battery Compartments/Seating

### Required Repairs for Out-of-Service Notices

The following shall be the policy regarding required repairs for out-of-service notices:

No motor carrier shall require nor shall any person operate, or any inspector release any commercial motor vehicle declared “out-of-service” until all repairs required by the “out-of-service notice” have been satisfactorily completed to where a violation no longer exists.

When a vehicle is declared out-of-service for a condition resulting from an accumulation of violations, all violations that contributed to the specific out-of-service condition must be repaired (e.g., a vehicle, or vehicles in combination declared out-of-service for 20 percent defective brake violations must have all the 20 percent defective brake violations repaired prior to being released; or, a vehicle declared out-of-service for two tires at less than 1/32 inch (0.8 mm) tread depth must have both tire violations repaired prior to the vehicle being released, etc.). Once all of the contributing out-of-service violations have been repaired on any vehicle in a combination, that specific vehicle in the combination is no longer considered to be out-of-service.

An out-of-service condition cannot be corrected by creating a new violation (e.g., if a vehicle is declared out-of-service for three missing wheel fasteners on one wheel, wheel fasteners from other wheels cannot be removed to correct this out-of-service condition, etc.).

When a vehicle is declared out-of-service, it may not be moved under its own power to a place of repair. The following are three exceptions:

1. Vehicles transporting hazardous materials/dangerous goods that require placarding may be escorted to a repair facility or safe parking place.
2. When the imminently hazardous condition is automatically removed by the disconnection of the power unit from a towed unit, the power unit may be moved. When such an out-of-service power unit is operated, the examination report must carry the notation, "Power unit not to be operated in combination with another vehicle until repaired". In these instances a CVSA decal will not be issued.

There are three mechanical defect conditions, which meet this criterion:

- a. Defective coupling mechanism on the power unit.
  - b. Defective trailer supply valve, as long as the tractor protection valve is functional.
  - c. Defective emergency or service brake hoses, or tubing between tractor and trailer.
3. Vehicles transporting passengers that have been declared out-of-service for emergency exits that are missing, inoperative, or obstructed may be moved by driver to a location where the out-of-service condition can be repaired. At no time will the vehicle be moved in this condition with passengers aboard.

## Inspection Bulletins

### \*2014-02 — Identification of Long Stroke Brake Chambers (Created 04-10-14)

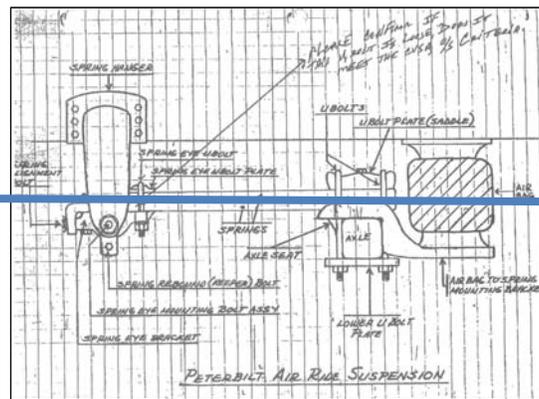
### 2010-03 — Rack and Pinion Steering System Inspection (Revised ~~05-19-10~~ 10-27-14)

#### ~~Inspection Guidance — Frequently Asked Questions~~

#### ~~Application of the North American Standard Out-of-Service Criteria:~~

##### ~~INTERPRETATION #1:~~

~~In a Peterbuilt air suspension assembly, is a loose or missing spring eye ubolt an out-of-service condition (see diagram below)?~~



~~ANSWER: No, not unless it has somehow resulted in axle displacement.~~

##### ~~INTERPRETATION 2:~~

~~Is it an OOS condition when a vehicle has had a tire or rim problem and a driver or owner has either singled out the axle or has removed the wheels and chained up the axle?~~

~~ANSWER: If the vehicle arrives at an inspection site in this condition, this is not a violation unto itself, but other violations may have resulted from this action (e.g., exceeds tire weight rating). However, if a vehicle is inspected, the driver should not be permitted to single out a tire or chain up an axle as a “quick fix” for an out-of-service defect. This does not comply with CVSA Operational Policy 5 which states:~~

##### ~~“...REQUIRED REPAIRS FOR OUT-OF-SERVICE NOTICES~~

~~The following shall be the policy regarding required repairs for out-of-service notices:~~

~~No motor carrier shall require nor shall any person operate, or any inspector release any commercial motor vehicle declared “out-of-service” until all repairs required by the “out-of-service notice” have been satisfactorily completed to where a violation no longer exists....”~~

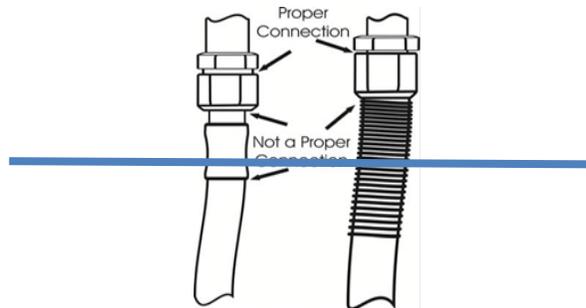
**INTERPRETATION #3:**

Shall a tiedown used to secure auxiliary equipment on a heavy vehicle be used in the calculation of the aggregate working load limit?

ANSWER: Yes

**INTERPRETATION #4:**

When an air leak is found at a fitting, when should it be placed out of service?

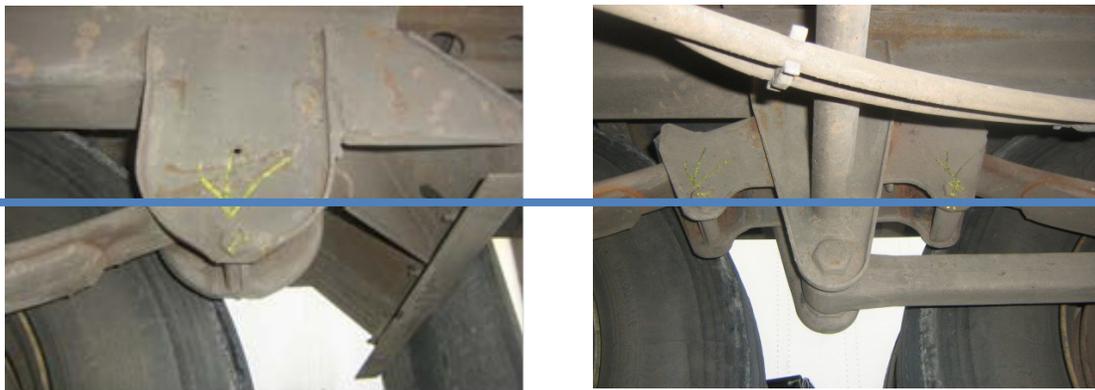


ANSWER: A proper connection is a gladhand connection or where two metal fittings join together. An air hose with a leak at the hose side of a fitting is not considered a proper connection.

**INTERPRETATION #5:**

Is a loose or missing rebound bolt a violation or OOS?

ANSWER: A rebound bolt in a spring hanger or equalizer that is loose is not considered a violation. A missing or broken rebound bolt is considered a violation but not OOS.



**INTERPRETATION #6:** Can a bungee cord or tarp strap be used as a primary means of securing an article of cargo and does it need to be rated and marked with a working load limit (WLL)?

~~ANSWER: Bungee cords and tarp straps are not suitable for use as tiedowns, and are equally unsuited to having an assigned WLL. There is no intention to prohibit the use of these devices as supplementary restraint for light weight cargo and equipment.~~

~~INTERPRETATION #7: If the cross tube brace is cracked, loose, corroded or broken, is it a violation or an OOS condition?~~

~~ANSWER: No, the “cross tube brace” is used to position the suspension for shipment and installation and has no bearing on the alignment or the function of the suspension.~~



## **OPERATION POLICY 15** **INSPECTION / REGULATORY GUIDANCE**

### **PURPOSE**

Operational Policy 15 is intended to provide inspection and regulatory guidance pertaining to driver-vehicle inspections when using the recommended North American Standard Inspection Procedure. It also contains direction related to frequently asked questions related to the North American Standard Out-of-Service Criteria (OOSC).

### **OBJECTIVES**

1. Clarify frequently asked questions related to the OOSC.
2. Provide guidance for regulations on an interim basis until such time as regulations can be amended.
3. Maintain an up-to-date policy to ensure guidance's and interpretations outlined in the policy are current.
4. OOS clarifications are outlined as they are referenced in the OOSC.

**NOTE: Regulatory Guidance's should be used for all U.S. Federal Motor Carrier Safety Regulations and in Canada and Mexico where there is not specific regulation to supersede the guidance.**

**Documenting violation before the limits specified in the guidance below adversely impact a carrier's safety rating unnecessarily and requires a carrier to spend time and money to repair**

*a condition that presently does not affect the safe operation of the vehicle. Maintenance issues cannot be recorded as violations.*

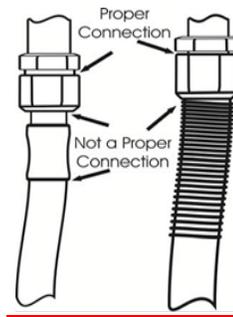
The following are current interpretations and guidance:

## 1. BRAKE SYSTEMS

### OOS Frequently Asked Questions

a.(1) When an air leak is found at a fitting, when should it be placed out-of-service?

**ANSWER:** A proper connection is a glad hand connection or where two metal fittings join together. An air hose with a leak at the hose side of a fitting is not considered a proper connection.



b.(1) When should cracks in brake linings (including rust jacking) not be recorded as a violation?

**ANSWER:** A violation should not be recorded until a crack exceeds the limit specified in Commercial Vehicle Safety Alliance (CVSA) OOSC, i.e., until a crack exceeds 1/16inch (1.6 mm) wide or 1 ½ inch (38.1 mm) in length.

b.(2) When should air hoses not be documented as a violation for chafing?

**ANSWER:** A violation should not be recorded until a reduction of the hose diameter is observed. It is not a violation if the hoses/lines rest on, or lightly rub on vehicle components. A hose that is found to have a reduction in diameter but is no longer chafing does not constitute a violation unless damage extending to or through the outer reinforcement ply is observable; when damage extends to or through the outer reinforcement ply a violation will be recorded (thermoplastic nylon tubing that is discoloured or faded but not damaged, is not a violation). **NOTE:** If inspectors observe air hoses/lines that appear to be resting on or lightly rubbing on vehicle components, but no observable reduction is present, inspectors should educate the driver that this is a condition that, while not in violation, is a condition that could lead to a violation/OOS condition in the future and make comments in the notes only, if so inclined.

b.(3) When should an air leak in the brake system be documented as a violation?

**ANSWER:** When a vehicle has an air leak at a proper connection or at an undetermined location, and the vehicle passes the CVSA OOSC air loss rate test, inspectors will record a violation for an air leak on the inspection report.

**NOTE:** In Section 393.45(d) it indicated that the leak has to affect the brake performance under 393.52. Enforcement cannot determine to what extent a leak has to be to affect the brake performance, therefore, any leak in the brake system will be documented a violation.

## 2. CARGO SECUREMENT

### *OOS Frequently Asked Questions*

a.(1) Shall a tiedown used to secure auxiliary equipment on a heavy vehicle be used in the calculation of the aggregate working load limit?

**ANSWER:** Yes

### *Regulatory Guidance*

b.(1) Can a bungee cord or tarp strap be used as a primary means of securing an article of cargo and does it need to be rated and marked with a working load limit (WLL)?

**ANSWER:** Bungee cords and tarp straps are not suitable for use as tiedowns, and are equally unsuited to having an assigned WLL. There is no intention to prohibit the use of these devices as supplementary restraint for weight cargo and equipment.

b.(2) When should a violation be recorded for a damaged tiedown?

**ANSWER:** All tiedowns being used to secure cargo (whether they are required or not) that are not damaged to the extent outlined in the CVSA OOSC Cargo Securement Tiedown Defect Table will be recorded as a violation. All other tiedowns with damage not yet to that extent will not be recorded.

b.(3) When transporting “metal coils with eyes crosswise”, other than what is currently outlined in regulation, is there any other means of acceptable securement?

**ANSWER:** Yes, there is a temporary exemption from the regulations if coils are loaded to contact each other in the longitudinal direction, and relative motion between coils, and between coils and the vehicle, is prevented in accordance with the requirements outlined in the attached guidance ‘Metal Coil Exemption’.

b.(4) Other than general provisions, is there a method to secure baled hay and straw that is considered to meet the requirements of 49 CFR 393.102(c) as an “an equivalent means of securement”?

**ANSWER:** Yes, providing it meets the requirements outlined in the Technical Review available in the attached guidance ‘Technical Review of Industry Cargo Securement Practices for Square Bales of Hay and Straw Memo’.

b.(5) Is stretch film and/or shrink-wrap an acceptable means of unitizing cargo?

**ANSWER:** Yes, as long as all of the individual articles in the unit of cargo remain secured inside the surface of the material.

b.(6) Is a baled, logged or rolled car considered a “crushed” car for cargo securement specific commodity requirements relative to FMCSR 393.132 & NSC 10, Division 7, Section 90-92?

**ANSWER:** A “crushed car” means a vehicle that has been subjected to mechanical compression that reduces the vehicle’s height as a part of a recycling process, without significantly reducing the vehicle’s length or width. A cube of miscellaneous crushed metal must be secured by the general cargo requirements.

b.(7) How must a friction mat be marked to show its coefficient of friction (CoF) value?

**ANSWER:** The CoF, in a numerical value, must be visible. (e.g.: 0.5g or 0.8g)

### **Regulatory Guidance**

b.(1) When should movement in the fifth wheel not be documented as a violation?

**ANSWER:** A violation should not be noted until one of the following conditions is met:

- Horizontal movement between the pivot bracket pin and bracket exceeds the CVSA OOSC limit, 3/8 inch (9.5 mm) or;
- Movement between slider bracket and slider base exceeds the CVSA OOSC limit, 3/8 inch (9.5 mm) or;
- Horizontal movement between the upper and lower fifth wheel halves exceeds the CVSA OOSC limit, ½ inch (12.5 mm) or;

b.(2) When should a violation of the mounting and integrity of a pintle hook/drawbar not be documented on a semi-trailer?

**ANSWER:** A violation of the coupling device on a semi-trailer should not be documented until the CVSA OOSC is met and in the US, the violations should be recorded under 396.3(a)(1). This is necessary because 393.70(c)&(d) only apply to full trailers.

## 8. LIGHTING SYSTEMS

### Regulatory Guidance

b.(1) When shouldn't a violations be documented for inoperative clearance lights on trailers that require them?

ANSWER: A violation should not be noted unless the vehicle does NOT have clearance lights on either the upper location or the lower location. In some instances trailer manufacturers may be installing the clearance lamps at a location lower than the upper rear corners of the trailer. This is allowed when the practicability of mounting the rear clearance lamps in the header is problematic.

b.(2) What lighting is required on a converter dolly?

ANSWER: Despite the wording in Footnote 5 of Section 393.11 of the FMCSRs, after an exhaustive review of rulemaking documents, the following will dictate when a violation should be recorded:

- “Laden” converter dolly – no lights required;
- Converter dolly towed singly by another vehicle and not part of a full trailer one stop lamp, one tail lamp, two reflectors, (one of each line of the vertical centerline, as far apart as practical) on the rear (this assumes that the turn signal of the towing unit are not obscured);
- Converter dolly towed singly by another vehicle and not part of a full trailer, AND the converter dolly obscures the turn signals at the rear of the towing vehicle – one stop lamp, one tail lamp, two reflectors, (one on each line of the vertical centerline, as far apart as practicable) on the rear, and rear turn signals and vehicular hazard warning signal flashing lamps.

b.(3) Retro-reflective sheeting is required to be applied to both sides of the trailer at a height of at least 380 mm (15 inches) and not more than 1525 mm (60 inches) above the road surface. In some cases, when this height is complied with on tank trailers, the sheeting will be canted downwards. Therefore, in some cases, the sheeting is applied higher than what is outlined in the regulations but is located “as close as practicable” to the required height and still allows for the tape to be mounted on a horizontal plane or as close to it as the shape of the trailer allows. In these cases, should a violation be documented?

ANSWER: No, if a cargo tank does not have a frame or other suitable surface below the 1525 mm (60 inches) height to apply the sheeting in order for it to be on a horizontal plane, the sheeting may be located at a higher location, as close to the required height as practicable and no violation should be documented.



a.(2) Is a loose or missing rebound bolt a violation or OOS?



**ANSWER:** A rebound bolt in a spring hanger or equalizer that is loose is not considered a violation. A missing or broken rebound bolt is considered a violation but not OOS.

a.(3) If the cross tube brace is cracked, loose, corroded or broken, is it a violation or an OOS condition?

**ANSWER:** No, the “cross tube brace” is used to position the suspension for shipment and installation and has no bearing on the alignment or the function of the suspension.



## 11. TIRES

### **OOS Guidance**

a.(1) What is a major groove on a tire for the purposes of measuring tread depth?

**ANSWER:** A major tread groove is the space between two adjacent tread ribs or lugs on a tire that contains a tread wear indicator or wear bar. (In most cases, the locations of tread wear indicators are designated on the upper sidewall/shoulder of the tire on original tread tires.)

### Regulatory Guidance

b.(1) If a tire has a max inflation pressure of 110 psi, but measures 80 psi, should a violation be written, if so what section?

ANSWER: No, a violation should not be written. In order to issue a violation for having low inflation pressure, the inspector would have to have a chart which identifies the load carrying capacity for the tire at different inflation pressures as well as for the particular load that is being carried. There are too many different tire sizes to put this level of information into the regulation.

An underinflated tire is not a violation until it meets the OOSC and 393.75(a)(3) is the proper section to be used. 393.75(h) should not be written for an underinflated tire. A violation of 393.75(f) violation should only be written when the opportunity to weigh a vehicle is present, and the weight on a tire exceeds the tire load carrying capacity (as printed on the sidewall of the tire).

## 13. WHEELS, RIMS AND HUBS

### OOS Frequently Asked Questions

a.(1) Is it an OOS condition when a vehicle has had a tire or rim problem and a driver or owner has either singled out the axle or has removed the wheels and chained up the axle? If the vehicle arrives at an inspection site in this condition, this is not a violation unto itself, but other violations may have resulted from this action (e.g., exceeds tire weight rating).

However, if a vehicle is inspected, the driver should not be permitted to single-out a tire or chain up an axle as a “quick fix” for an out-of-service defect. This does not comply with CVSA Operational Policy 5 which states:

#### “...REQUIRED REPAIRS FOR OUT-OF-SERVICE NOTICES

The following shall be the policy regarding required repairs for out-of-service notices:

No motor carrier shall require nor shall any person operate, or any inspector release any commercial motor vehicle declared “out-of-service” until all repairs required by the “out-of-service notice” have been satisfactorily completed to where a violation no longer exists. ...”

An underinflated tire is not a violation until it meets the OOSC and 393.75(a)(3) is the proper section to be used. 393.75(h) should not be written for an underinflated tire. A violation of 393.75(f) violation should only be written when the opportunity to weigh a vehicle is present, and the weight on a tire exceeds the tire load carrying capacity (as printed on the sidewall of the tire).

## **XX. MISCELLANEOUS**

### **Regulatory Guidance**

b.(1) When should a violation not be noted for external visors that have been added to a vehicle that obstruct the view of the driver?

ANSWER: Section 393.60(e)(1) of the FMCRs only applies to items that are mounted on the windshield, not in front of the windshield. Temporary exemptions have been granted to numerous carriers to allow video event recorder and some lane-departure warning system sensors to be mounted on the interior of the windshield, within the top 2 inches of the windshield wiper sweep for a period of two years. During the time period that these exemptions are in force, no State agency shall enforce any law or regulation that conflicts with or is inconsistent with the exemption. There is no current guidance as to how much of the windshield can be covered by external visors, so in extreme cases where a significant portion of the windshield is obscured by external visors mounted in front of the windshield, a violation can be documented under 396.3(a)(1) or 393.3.

## **HISTORY/BACKGROUND**

In 1980, the Western States CVSA was established when agencies from seven western states and two Canadian provinces met to discuss common needs and ways to create uniformity of inspection standards, procedures, and practices with the intent of improving commercial vehicle safety. The Western States CVSA brought together representatives from federal, state, and provincial governmental agencies, as well as the private industry, to develop common standards and practices. As a result, the organization established the following initial goals:

- Avoid duplication of inspection efforts by the various jurisdictions;
- Improve the safety of equipment being operated on all highways;
- Minimize inspection delays for the operating industry;
- Increase the number of on-highway inspections;
- Bring about an overall improvement in commercial vehicle and hazardous materials transportation safety;
- Improve commercial driver safety performance;
- Improve compliance with the hazardous materials transportation regulations; and
- Bring about improvements in the collection, dissemination, and use of operational motor carrier safety data and research findings.

In July 1981, the CHP entered into a Memorandum of Understanding (MOU) with the Western States CVSA. The purpose of the MOU was to maximize the use of commercial motor vehicle driver and cargo inspection resources; to avoid duplication of efforts in expanding the number of inspections performed in a region; to advance uniformity of inspections; and to minimize delays incurred by industry as a result of this type of enforcement activity. As a Western States CVSA member, California agreed to implement procedures pursuant to minimum inspection criteria and OOS criteria. Shortly thereafter, in 1982, the Western States CVSA became the CVSA. In an effort to maintain consistency and uniformity among the member states, the CVSA established the following:

- The Uniform North American Commercial Vehicle Standard Inspection Procedures;
- The adoption of the uniform OOS criteria;
- The adoption of the uniform severity rating of OOS violations and maximum fine schedules;
- The development of uniform training curriculum for certified CVSA inspectors;
- The development of uniform inspection procedures for vehicles transporting spent nuclear fuel, high-level radioactive waste, and transuranics (commonly known as the Enhanced Inspection Procedure);
- The adoption of uniform bus inspection procedures; and
- The development of uniform cargo tank inspection procedures.

The OOS criteria is developed through the CVSA with participation from federal, state, and provincial officials, as well as industry representatives, including appropriate manufacturers and other interested parties. Before revisions to the OOS criteria are presented for adoption, a need for the change must be established by accompanying documentation, such as:

- Accident experience/statistics;
- Recommendations, including technical analysis;
- A description showing a new technology; or
- A need for redefinition or clarification of existing criteria.

Any modification to the criteria requires ratification by the general membership at the annual CVSA conference held each fall. Approved modifications are published and become effective on April 1st of each year, with the exception of 2004, when the modifications became effective January 1st.

The Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria is not contained in federal safety regulations. It is an administrative procedure which has been developed to aid the law enforcement officer in determining when a defect or violation has deteriorated to a point where it is likely to result in a breakdown or accident, and must be repaired or corrected before the vehicle and driver are allowed to operate on the highways of North America. It is also important to note the CVSA consists of representatives from law enforcement, truck and bus companies, manufacturers, safety product and service providers, and insurance companies.

### **DOCUMENT INCORPORATED BY REFERENCE**

The CHP has determined it would be cumbersome, unduly expensive, or otherwise impractical to publish the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2015, Edition, within the CCR.

The documents listed below lend support or are otherwise related to this proposed rulemaking. Copies of these documents, or relevant portions thereof, can be obtained from the CHP by calling the Commercial Vehicle Section (CVS) at (916) 843-3400, 1-800-735-2929 (TT/TDD), 1-800-735-2922 (Voice), or via facsimile at (916) 322-3154. The rulemaking file is available for inspection at CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment.

- Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria; April 1, 2014, Edition.
- Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria; April 1, 2015, Edition.
- Attorney General Opinion NS 2520 (Authority to place vehicles out of service).

Copies of the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2015, Edition, are also made available to the public through the CVSA Web site at [www.cvsa.org](http://www.cvsa.org) or by mail at: Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770. The CVSA telephone number is (301) 830-6143, and the facsimile is (301) 830-6144.

### **ALTERNATIVES**

The CHP has not identified, nor been made aware of, an alternative which would be as effective and less burdensome to affected parties than the proposed action. Additionally, the CHP has not identified an alternative which would be more cost effective to affected parties and equally effective in implementation of the statutory policy or other provision of law.

### **Alternatives Identified and Rejected:**

*Alternative 1: Do nothing and allow outdated reference to remain in Title 13, CCR:* This alternative was not selected because the continued use of outdated criteria would defeat the purpose of promoting uniformity and consistency with neighboring states.

*Alternative 2: Discontinue use of Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria:* Discontinuing the use of the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria as an enforcement tool by CHP officers may result in:

- Increased numbers of unsafe commercial vehicles being operated on California highways;
- Lack of inspection uniformity with neighboring states; and
- Increased equipment-related traffic collisions involving commercial vehicles.

The estimated cost of this alternative could exceed one million dollars. This estimated figure was derived based on additional time accident investigators may spend investigating collisions resulting from increased numbers of unsafe vehicles on California roadways. Additional costs could ensue when a commercial officer, not realizing or recognizing a vehicle has already been inspected outside of California, performs another inspection on the vehicle.

*Alternative 3: Update Title 13, CCR to the current revision of the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria:* This is the alternative selected as it meets the safety needs of the public and the Department.

### **Performance vs. Prescriptive Standards**

Due to the nature of the equipment (brakes, frames, fuel systems, etc.) and the standards (driver licenses, hours of service, etc.) to which this criteria will be applied, it is necessary to apply prescriptive standards. Equipment service limits are critical in commercial vehicles and must be closely adhered to in order to ensure the proper functioning of the equipment. Small deviations in critical component dimensions could mean the difference between an item of equipment that works properly and an item that fails completely. A critical item of equipment that fails on any vehicle could lead to a collision and possibly injury or death. Nonequipment-related standards are also prescriptive and critical. In order to properly and safely operate a vehicle, a driver must pass a written knowledge test as well as demonstrate an ability to operate the vehicle.

### **LOCAL MANDATE**

These regulations do not impose any new mandate on local agencies or school districts.

## **ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

### **Creation or Elimination of Jobs in the State of California**

The CHP has made an initial determination this proposed regulatory action will neither create or eliminate jobs in the state of California, nor result in the elimination of existing businesses, nor create or expand businesses in the state of California. Additionally, this proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### **Creation, Expansion or Elimination of Businesses in the State of California**

The CHP has not identified any significant adverse impact on businesses. Businesses involved in the transportation of interstate and intrastate commerce via commercial trucking may choose to purchase the current Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria at a cost of approximately \$45 annually at [www.cvsa.org](http://www.cvsa.org). These businesses will not otherwise experience any greater effect due to the implementation of the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2015, Edition, than is already commonly known and accepted. Additionally, the CHP has made the initial determination this proposed regulatory action will affect not the creation of new businesses, the expansion of existing businesses, or the elimination of existing businesses.

### **Benefits of the Regulation**

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and safety to the environment because changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. Minor additions and changes to the OOS criteria are clarifying in nature and all are within existing requirements for industry.

## **FISCAL IMPACT TO THE STATE**

The Department has determined these regulation amendments will result in:

- No significant increase in costs for owners or operators of commercial vehicles. This rulemaking action will simply provide a regulatory basis to enforce the OOS criteria which is already being used by the CHP and throughout North America;
- No significant compliance cost for persons or businesses directly affected;
- No discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public;

- No impact on the level of employment in the state; and
- No impact on the competitiveness of this state to retain businesses, as state, provincial, and national governments throughout North America have already adopted these requirements.