

CHAPTER 3
INSPECTION POLICIES
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CHAPTER 3

INSPECTION POLICIES

1. GENERAL.

a. Commercial Vehicle Safety Alliance. The Commercial Vehicle Safety Alliance (CVSA) is an organization involving the U.S., Canada, Mexico, Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands. The purpose of the CVSA is to bring about uniformity and compatibility in the adoption and enforcement of commercial motor vehicle (CMV) laws and regulations throughout North America. Similarly, the CVSA promotes and encourages the maintenance and operation of CMVs in a manner that protects the health and safety of the general public. To accomplish this, the organization is comprised of regulatory agencies as well as representatives from the trucking and vehicle manufacturing industries.

(1) Through a signed, individual memorandum of understanding, members have agreed to strictly adhere to specific CMV and driver inspections, CVSA Operational Policy, and out-of-service (OOS) standards. In California, the CHP is the Governor's designated signatory agency for the CVSA program. Furthermore, the CVSA inspection and OOS standards have been approved by the Federal Motor Carrier Safety Administration (FMCSA) and are used by all member jurisdictions throughout the U.S., Canada, and Mexico. Additionally, CVSA decals are honored by all members as evidence that the vehicle passed a rigorous safety inspection.

(2) Personnel assigned to the Commercial Enforcement Program (CEP) shall adhere to the version of the North American Standard (NAS) OOS Criteria referenced in Title 13, Section 1239(b) of the California Code of Regulations (CCR). The OOS Criteria guides are shipped from Commercial Vehicle Section (CVS) to each Division, and are disseminated to Commercial Vehicle Enforcement Facilities (CVEF), Mobile Road Enforcement (MRE) officers, and the Motor Carrier Safety Units. Additionally, the current NAS OOS Criteria is available in the links portion of Iteris Inspect (refer to Chapter 5, Activity Reporting, of this manual). Any deviation requires prior approval from CVS.

(3) Questions or concerns about the quality of any CVSA inspection conducted by a CHP officer, Commercial Vehicle Inspection Specialist (CVIS), or Motor Carrier Specialist (MCS) shall be documented in an e-mail message submitted to CVS, at CVSinspections@chp.ca.gov, by a supervisor.

b. Enforcement. The CHP is responsible for enforcement oversight relative to the operation of CMVs in California and is granted the authority to do so by the California Vehicle Code (CVC). Authority for enforcement of requirements applicable to the operation of CMVs in California is contained entirely within California statute and regulation. Therefore, only those federal regulations adopted in California statute or regulation may be enforced and documented on the CHP 407F, SafetyNet Driver/Vehicle Inspection Report, or the CHP 343A, Vehicle/Equipment Inspection Report Motor Carrier Safety Operations. The same applies for enforcement documents (e.g., the CHP 215, Notice to Appear, and/or the CHP 281, Notice to Correct Violation).

(1) For example, Title 49, Section 391.11 of the Code of Federal Regulations (CFR), requires the operator of a CMV to be able to read and write the English language. This regulation is not adopted by California; therefore, this requirement shall not be enforced or appear on the CHP 407F, CHP 343A, or any enforcement document.

c. Definitions. The following definitions apply to this chapter:

(1) A CMV includes vehicles described in Sections 260, 322, 15210, and 34500 CVC.

NOTE: While a pickup truck, as defined in Section 471 CVC, meets the definition of a CMV, it is the policy of the Department that pickup trucks shall not be required to stop at a CVEF when operated singly or in combination. This policy does not apply when the California Department of Food and Agriculture is operating an agricultural inspection operation, and signs requiring such a stop are properly posted, as specified in Section 5341.5 of the California Food and Agricultural Code.

(2) Terminal inspections are inspections performed at truck terminals by an MCS to ensure compliance with the provisions of law and applicable regulations in accordance with Highway Patrol Manual (HPM) 84.1, Motor Carrier Safety Operations. Terminal inspections shall not include registration inspections.

(3) On-highway inspections are all vehicle inspections other than terminal inspections.

2. NORTH AMERICAN STANDARD INSPECTION LEVELS AND AUTHORIZATION.

a. North American Standard Inspection Levels. Each NAS inspection level is defined in CVSA Operational Policy 5, Inspection/CVSA Decal.

- b. Level I—North American Standard Inspection. The NAS Level I inspection is the primary type of inspection conducted by CEP personnel at a CVEF. Mobile Road Enforcement officers and NAS Level I-certified officers in the field should conduct NAS Level I inspections whenever possible to address the specific needs of the assigned host Area or as specifically directed by the assigned Division Special Services Command (SSC) commercial unit.
- c. Level II—Walk-Around Driver/Vehicle Inspection. The NAS Level II inspection may be used by inspectors if occupational safety issues preclude the use of the NAS Level I inspection due to an unsuitable inspection location, inclement weather, or excessively harsh ambient temperatures. The NAS Level II inspection should be used when the NAS Level III inspection cannot be documented properly due to the discovery of mechanical violations when a vehicle is stopped roadside.
- d. Level III—Driver/Credential/Administrative Inspection. The NAS Level III inspection should only be used to document driver-related violations (e.g., driver qualifications and moving violations). Vehicles stopped roadside for operational or other violations shall have a minimum of a Level III inspection conducted, unless a Level I or Level II inspection is warranted, and the appropriate location is available.

NOTE: Inspectors should conduct NAS Level II and Level III inspections when the availability of CVSA decals precludes them from conducting NAS Level I inspections.

- e. Level IV—Special Inspection. Inspections under this heading typically include a one-time examination of a particular item during CVSA enforcement campaigns. These examinations are normally made in support of a study, or to verify or refute a suspected trend.
- f. Level V—Vehicle-Only Inspection. The NAS Level V inspection is the primary inspection process of an MCS while conducting terminal inspections.

NOTE: General hazardous materials (HM) inspections and/or cargo tank (CT) inspections shall be conducted as an NAS Level I, NAS Level II, or NAS Level V inspection for certification purposes.

- g. Level VI—North American Standard Transuranic Waste and Highway Route Controlled Quantities of Radioactive Materials Inspection. The NAS Level VI inspection is performed by specially trained CEP inspectors.
- h. Level VII—Jurisdictional Mandated Commercial Vehicle Inspection.
 - (1) The NAS Level VII inspection is a jurisdictional mandated inspection program that does not meet the requirements of any other level of inspection.

(2) The NAS Level VII inspection is applicable to vehicles registered as special equipment, other nonregulated vehicles, and/or CMVs having a gross vehicle weight rating under 10,001 pounds, not otherwise specified in Section 34500 CVC, but that are subject to a safety inspection in California.

(3) A CVSA decal shall not be issued in conjunction with an NAS Level VII inspection.

i. Level VIII—North American Standard Electronic Inspection.

(1) This inspection is conducted electronically or wirelessly while the vehicle is in motion without direct interaction with an inspector.

(2) The NAS Level VIII inspection will be implemented when the Department has the infrastructure in place to support this type of inspection.

NOTE: Commercial Enforcement Program personnel shall only complete the level of inspection they are trained and currently certified in, as outlined in Chapter 16, Commercial Enforcement Program Training, of this manual.

3. VEHICLE INSPECTIONS.

a. Requirements.

(1) Commercial enforcement personnel should inspect as many CMVs as practicable each year. Vehicles displaying valid CVSA decals should not be subject to Level I inspections during the current month of the decal and the following two months. A vehicle that is displaying a valid CVSA decal should be permitted to proceed without an inspection unless a violation of law or regulation is apparent. Appropriate enforcement action should be taken whether or not a valid CVSA decal is displayed. If a mechanical OOS violation is discovered, a valid CVSA decal shall be removed.

(2) Inspections shall be performed in a thorough and efficient manner, and shall not proceed into a diagnostic process.

(3) Vehicles with mechanical violations detected that do not meet the NAS OOS criteria shall not be prohibited from completing the current trip. The driver shall be notified the violations must be corrected or repaired prior to the vehicle(s) being redispached.

(4) All CEP personnel shall ensure driver and vehicle inspections are conducted at locations which are suitable and adequate for the vehicle(s) to be inspected, and provide for the safety of drivers and enforcement personnel.

(5) Prior to commencing an under-vehicle inspection, CEP personnel should ensure drivers understand exactly what action is expected of them during the inspection.

(6) If CEP personnel conducting an NAS inspection determine the driver is unable to clearly communicate or understand directions, creating an occupational safety issue, it is recommended the inspector request additional departmental CEP personnel to assist.

b. Selection of Vehicles for Inspection.

(1) The following criteria should be followed when selecting vehicles for inspection:

(a) First Priority—Any CMV with an observed mechanical, loading, or weight violation.

(b) Second Priority—Any CMV transporting HM or hazardous waste (HW) without CVSA decals.

(c) Third Priority—Any CMV transporting HM/HW with expired CVSA decals.

(d) Fourth Priority—Large CMV power units without decals.

(e) Fifth Priority—Large CMV power units with expired CVSA decals.

(f) Sixth Priority—Two-axle CMVs without decals.

(g) Seventh Priority—Two-axle CMVs with expired CVSA decals.

NOTE: Section 2813 CVC requires members of the CHP to display signs requiring drivers to stop at any location where tests or inspections of commercial vehicles are being conducted.

(2) When inspecting multivehicle combinations, any vehicle displaying a current CVSA decal is deemed to be in compliance and should not be reinspected.

(a) This does not preclude the use of the NAS Level III inspection or any other enforcement action from being initiated for an obvious violation, or where there is reasonable cause to believe a violation is present.

(b) Any vehicles displaying a current CVSA decal may be selected for vehicle/container-related inspections when transporting HM or HW, absent observed violations.

c. Voluntary Inspections.

(1) Commercial Enforcement Program personnel shall not conduct NAS inspections by request. The NAS Inspection Program is not a periodic inspection program or a preventative maintenance program for motor carriers or drivers.

(2) Inspections required by policy, statute, etc., are not subject to the voluntary inspection prohibition. Examples of inspections not subject to this prohibition include, but are not limited to:

(a) Inspections performed in conjunction with a contracted, scheduled departmental escort of a variance load, preceding or on the day of the extralegal or oversize load movement. This includes inspections required by the California Department of Transportation (Caltrans) for the issuance of transportation permits.

1 A separate reimbursable services contract or agreement shall not be completed for the sole purpose of conducting NAS inspections in preparation for an extralegal load movement.

2 Officers conducting inspections related to an extralegal or oversize load shall record the contract number and the Caltrans Transportation Permit number, as applicable, associated with the movement on both the CHP 407F/343A and CHP 415, Daily Field Record.

(b) Tow truck certification inspections required by the Tow Service Agreement.

(c) Farm labor vehicle (FLV) certification inspections.

(d) A request by a CMV driver for an NAS inspection to address a known violation neglected by the motor carrier. Upon verification of the violation, these violations shall be documented on the inspection report.

d. Recording.

(1) All NAS inspections conducted by officers shall be recorded in the following manner:

(a) The CHP 415 shall be used.

(b) The start time and elapsed time to the nearest minute shall reflect, as near as practicable, the actual time expended on conducting and documenting the inspection, and detention, if applicable.

(c) The beat code (if applicable), primary activity code, and activity/comments shall be recorded.

(d) The type of NAS inspection shall be selected in the appropriate "CEP" activity, and the vehicle license plate state and number shall be documented within the activity/comments portion of the CHP 415. If no license plate is available, the Vehicle Identification Number and/or, for a container chassis, the intermodal equipment provider identifier shall be recorded.

(e) When enforcement action is taken or violations are recorded, the driver's license number, including the state abbreviation if other than California, shall also be documented in the activities/comments portion of the CHP 415.

4. NONREGULATED VEHICLE INSPECTIONS.

a. A nonregulated vehicle is any vehicle not identified in Section 34500 CVC.

b. Inspection personnel may conduct a safety inspection on a nonregulated vehicle to ensure compliance with applicable CVC requirements. This inspection shall be documented as an NAS Level VII inspection.

c. Information pertinent to the inspection of special vehicles is contained in Chapter 9, Special Vehicles, of this manual.

5. VEHICLE INSPECTION SAFETY REQUIREMENTS.

a. Requirements.

(1) Safe work conditions and safe work procedures are essential when performing all aspects of vehicle inspections.

(2) Employees shall be familiar with HPM 10.6, Occupational Safety Manual.

b. Commercial Vehicle Inspection Procedures.

(1) Chock wheels as necessary to prevent any movement to the front or rear before inspecting the vehicle. The most effective control can be achieved by placing the blocks against a tire on the motor vehicle drive axle.

(2) When the engine is running, make certain the vehicle is in neutral, and the clutch is released.

- (3) Do not direct the driver to start an engine or move any vehicle during the inspection process without first determining that no one is under the vehicle.
- (4) Do not, UNDER ANY CIRCUMSTANCE, place yourself to the front or rear of a vehicle in close proximity to another vehicle or fixed object (e.g., dock, wall, fence).
- (5) Establish clear arm and/or hand signals with the operator to ensure communication during the inspection process. Verbal signals are strongly discouraged, especially at inspection facilities where the conduct of simultaneous side-by-side inspections often leads to driver confusion.
- (6) All required personal protective equipment, as outlined in Chapter 20, Inspection Safety Equipment and Tools, of this manual, shall be worn.
- (7) Use steps, stirrups, and grab handles when mounting and dismounting a truck cab. When mounting and dismounting other portions of a vehicle, an "inspection" ladder shall be used when available (e.g., three-step ladder on pressure-retracting casters). Do not jump off vehicles or ladders.
- (8) Watch for other vehicles in proximity. Be especially wary of unoccupied parking areas to either side of the vehicle being inspected. When employees become aware of hazards, such as loose materials or slick spots, a report should be made to the appropriate personnel immediately.
- (9) Do not assume a position near brake chambers or spring brake canisters during brake applications. In cases of brake malfunction, a brake chamber might rupture, and the flying pieces may inflict serious injury to anyone directly behind the chamber.
- (10) Sprinkle absorbent material on oil or grease spots.
- (11) Stand the creeper up immediately after using it. Do not lean the creeper up against vehicles being inspected.
- (12) Be cautious of standing or sitting up too quickly. It may cause injury to the head and/or back.
- (13) Use the proper tool for the job and do not use fingers as probes.
- (14) When checking for air tank contamination, use a receptacle and exercise caution against inhaling harmful vapors. Chemicals for rust prevention or antifreeze are frequently used in the tanks.

(15) When inspecting CMVs equipped with air-type suspensions that have a low ground clearance, the vehicle should be raised using state-issued inspection ramps. This precaution is necessary to reduce the chance of injury in the event of a failure of the air suspension system and to provide more space for personnel to maneuver under the vehicle. Failure of the air suspension system may allow the vehicle body to lower. The ramps should also be used when inspecting low-ground-clearance CMVs equipped with conventional suspension systems to provide more space for personnel to maneuver. The use of hydraulic jacks for this purpose is prohibited. The ramps shall be positioned carefully in front of each set of wheels to be raised. The vehicle shall then be driven up onto the ramps by the driver. The inspector will then block at least one drive-axle wheel to prevent forward and rearward movement of the vehicle on the ramp. Caution shall be used by personnel while handling the inspection ramps in order to decrease the risk of injury.

c. General Precautions When Inspecting Vehicles.

(1) All vehicles should be approached with caution because they may contain HM in small amounts or limited quantities that do not require placarding, or they may contain substantial quantities of HM and be in violation of the placarding requirements.

(2) Use of the senses should be relied upon when approaching any vehicle. Prior to any vehicle being placed in an enclosed or covered inspection area, a check should be made for visible leakage, detectable odors, or audible sounds which may help identify the presence of problems relating to HM.

(3) Vehicles with combustible or flammable loads, or vehicles powered by compressed natural gas must be carefully screened prior to entering a covered facility. Outdoor inspections are required when any potential for fuel, cargo, or exhaust ignition is present. Ignition sources to consider include overhead heaters.

(4) Avoid skin contact with any type of HM or HW. Breathing fumes or gases from these materials can be extremely harmful. Additional HM-related safety precautions are contained in HPM 84.2, Hazardous Materials Transportation and Incident Management.

(5) Be aware of the locations of emergency wash stations and first aid materials. Obtain first aid and/or medical treatment as necessary if contaminated by any HM or HW. Document such contamination in accordance with the provisions of HPM 84.2 and HPM 10.6.

d. Vehicles Transporting Cryogenic Materials. Vehicles transporting bulk packages containing liquid cryogenic materials (e.g., liquid oxygen, methane, nitrogen) are

equipped with safety venting devices to prevent pressure buildup within the package. Normally, if a safety valve should relieve pressure while on the highway and the vehicle is in motion, the released gas would be dissipated harmlessly. If a safety device should vent in an enclosed space, the escaping gas could collect and present either an ignition or inhalation risk. Due to this potential hazard, vehicles transporting bulk packages containing cryogenic materials **shall not** be permitted to stand or be inspected under any type of overhead covering or enclosure. Commercial Vehicle Enforcement Facilities should designate an area, away from structures, for the inspection of vehicles transporting bulk packages containing cryogenic materials.

e. Caustics, Pesticides, and Poisons.

- (1) Avoid contamination by, or contact with, unknown liquids and solids which may be hazardous.
- (2) If a person is contaminated and the commodity is not water-reactive, flush the area (except eyes) thoroughly with soap and water. All MRE units shall carry sufficient departmentally supplied containers of saline for this specific purpose.
- (3) Remove contaminated clothing and wash the contaminated area.
- (4) Any contamination shall be reported to a supervisor as soon as possible.

6. UNIFORMITY OF INSPECTIONS.

a. General.

- (1) North American Standard inspections shall be conducted and documented by currently certified departmental inspectors.
- (2) Vehicle inspections shall be conducted in compliance with departmental publications and the directives contained in this manual.
- (3) Only departmental personnel who have satisfactorily completed the training and certifications outlined in Chapter 16 of this manual are authorized to conduct NAS inspections. Trainees under the supervision of certified CEP personnel may participate in conducting inspections.

b. North American Standard Inspections. When conducting NAS inspections, inspectors shall ensure current CVSA Operational Policy, Inspection Bulletins, and Inspection Procedures are followed. These documents are available through the CVSA website at cvsa.org or in the CEP Junction located on the CHP Intranet site using the following path: Resources ➤ Commercial.

- c. Inspection of Hazardous Materials/Hazardous Waste/Cargo Tanks. Currently certified NAS HM inspectors assigned to the CEP shall inspect vehicles transporting HM or HW for compliance with transportation requirements. Policy for HM, HW, and CT inspections is contained in HPM 84.2.
- d. General Repair and Maintenance. A violation of Section 1232(a), Title 13 CCR, or Section 396.3(a)(1), Title 49 CFR, shall only be documented on a CHP 407F/343A when the condition is an “imminent hazard” in the NAS OOS Criteria or specifically indicated in CVSA Operational Policy 15, Inspection and Regulatory Guidance, as a violation. Examples of noncritical item defects which should not be documented as a violation include, but are not limited to, push rod clevis jam nut being backed off, air reservoir mounting bolts loose, and side box latches inoperative. When these items are discovered during an NAS inspection, the driver shall be verbally notified and shown the defect. A note may be documented on the CHP 407F/343A to assist the driver in notifying the responsible motor carrier.
- e. Inspection of Lift Axles. In accordance with CVSA Operational Policy 5, raised lift axles are to be inspected to ensure all components are secured and for conditions that adversely affect the vehicle’s operation. If a critical vehicle inspection item defect is discovered on the raised axle, the vehicle is not eligible to receive a CVSA decal and the defect should be documented in the notes section of the inspection report. Raised lift axles shall not be included in determining the total number of brakes on a vehicle combination for the 20 percent brake calculation. If the raised lift axle is required to be lowered to comply with statutory or regulatory requirements to continue operation, the operator has the option to adjust or offload the cargo. Otherwise, the axle is subject to inspection.
- f. Mobile Strike Force Teams. Division Chiefs may establish MRE inspection teams by combining CEP personnel from adjacent CVEFs, Areas, or Divisions. Motor Carrier Specialists and CVIS personnel may also be used in the teams. The teams should concentrate their efforts in areas where CVEFs are not located.
- g. Motor Carrier Safety Regulations. Appropriate enforcement action shall be taken to ensure compliance with Motor Carrier Safety Regulations contained in Title 49 CFR; Title 13 CCR; and the CVC.
- h. Farm Labor Vehicle Inspection Program. Division Chiefs, Area commanders, and SSCs may use properly trained and certified CEP personnel to inspect and certify FLVs. Requirements for inspection, certification, and guidelines for CEP/FLV personnel use and deployment are contained in Chapter 14, Farm Labor Vehicle Inspection Program, of this manual.

7. COMPLETION OF THE DRIVER/VEHICLE INSPECTION REPORT.

a. Processing of Inspections by Commercial Enforcement Personnel.

(1) All inspection reports completed by a CVIS shall be saved in the save/queue portion of Iteris Inspect. An officer **shall** be solely responsible for initiating the appropriate enforcement action. In those cases where no violation is present, the CVIS may attach a decal to the appropriate vehicle after the officer on duty has concluded the required driver contact.

(2) The officer issuing the enforcement document **shall**, when possible, personally observe the violations found by the inspector to provide a basis for potential court testimony.

(3) Serial numbers of enforcement documents and inspection decals shall be entered on the appropriate lines, including expired or removed decals when applicable.

(4) When a CHP 281 or CHP 215 is issued, "Y – Citation Issued" should be selected in the "Cit" drop-down box in the violation tab. When a CHP 281 or CHP 215 is not issued for a violation, but a verbal warning was given, "W – Warning" should be selected. When no warning, other than the documented violation, is given, "N – None" may be selected.

(5) Only numbers associated with a CHP 281 or CHP 215 shall be entered into the "Citation" field. No other words or phrases shall be entered into this field. This prohibition includes, but is not limited to, the words "verbal" or "warning."

(6) The enforcement officer shall place their ID number in the space provided.

(7) Upon completion of an NAS inspection, a copy of the inspection report shall be provided to the driver via hard copy or e-mail. In the event these options are not available, a report shall be printed and mailed to the driver or motor carrier.

b. Inspections by Personnel Not Assigned to the Commercial Enforcement Program.

(1) Commanders should accommodate requests by NAS Level I-certified personnel who want to maintain their current NAS Level I certification while not assigned to the CEP, thereby preserving perishable skills, maintaining available resources, and minimizing retraining or retesting costs for those personnel to the Department.

(2) Currently certified personnel who are not assigned to the CEP may request an allocation of CVSA decals and any normally provided Departmental inspection equipment, not otherwise available through their assigned Area requisition process, from a Division commercial unit or CVEF located within their assigned Division via their chain of command.

(3) Certified personnel who are not assigned to the CEP shall complete all inspections using Iteris Inspect (refer to Chapter 18, Electronic Inspection Procedures, of this manual).

NOTE: Currently certified personnel who transfer out of a CEP-designated Area may lose access to the Iteris Inspect program. These personnel will need to reload Iteris Inspect from the Software Center. If the Iteris Inspect program application does not populate in the Software Center, a request may be initiated to show the application in the Software Center by using the ServiceNow portal located on the CHP Intranet site. The request may require confirmation by CVS to verify current NAS inspector certification status.

8. CORRECTING VIOLATIONS.

a. Requirements.

(1) If the driver indicates they will fix the violation prior to leaving the inspection site, personnel should save/queue the inspection report until the repair(s) have been made. Once the repair(s) have been made, the inspector should verify the violation(s) have been repaired on the vehicle and issue a CVSA decal, when eligible. After verification, the correction shall be noted on the inspection and the report shall be transmitted.

(2) If at any time the vehicle leaves the inspection site, the inspection report shall be transmitted. If the driver or motor carrier returns with the vehicle requesting a new inspection and CVSA decal be applied, this inspection would be treated as a volunteer or request for inspection, and the provisions of paragraph 3.c. shall apply.

(3) Allowing a driver to remain at an inspection location to repair a defective item is a courtesy, and may be refused based on operational needs or the safety of inspectors and the public.

(4) When violation(s) are corrected during the original inspection, CEP personnel utilizing Iteris Inspect shall ensure the reports are not transmitted until the inspection has concluded.

(5) Any vehicle discovered to be operating with an OOS condition when the driver or owner has been notified of the condition by an inspector, either by noting the OOS order on the inspection report or on an enforcement document, is subject to enforcement action under Section 24004 CVC. A violation of Section 24004 CVC should be documented on the inspection, and the CEP officer may issue a citation to the driver if supporting evidence is discovered that the driver was aware of the prior violation and chose to operate the vehicle. Otherwise, an Owner's Responsibility violation pursuant to Section 40001 CVC may apply.

NOTE: All violations discovered and documented during the original inspection shall not be removed from an inspection report after corrections or repairs have been made.

b. Driver Qualifications for Adjusting Brakes. Title 13, Section 1232(e) CCR requires motor carriers to ensure individuals repairing or servicing brakes are qualified in accordance with Title 49, Section 396.25 CFR. Based upon FMCSA interpretation of this section, a driver who possesses a valid commercial driver's license, has passed the air brake qualification test (i.e., no air brake restriction), and has the carrier's permission shall be allowed to adjust the brakes of the company's vehicles. The driver is required to have knowledge of the carrier's permission, but is not required to possess documentation of the authorization.

9. PROPER RECORDING PROCEDURES FOR FEDERAL OUT-OF-SERVICE VIOLATIONS.

a. General. When an employee enters a Department of Transportation (DOT) number into Iteris Inspect, the software automatically queries several databases to verify if the carrier is subject to a federal OOS order.

(1) When Iteris Inspect recognizes a motor carrier with a current federal OOS order, a warning box will be displayed, advising "This carrier is currently under a Federal OOS."

(a) The initial inspection screen will notify the inspector with a red "Alert" banner displayed across the top advising of the federal OOS order.

(b) A large, red "Fail" octagon graphic is displayed within the "Pass/Fail Result" section, and a "FOOS Order" box will be displayed at the bottom, advising the carrier is OOS for intrastate and/or interstate operation(s).

b. Documentation.

(1) If a federal OOS order is determined, a description will appear for the interstate/intrastate authority and the violation will automatically populate in the "Violation" section of Iteris Inspect.

(a) A supervisor shall be notified of all federal OOS orders.

(b) When the carrier is found operating while under a federal OOS order, the inspector shall take appropriate enforcement action and ensure the violation is documented as a violation of Sections 34518(b)(3) and 2800(b)(1) CVC. **Under no circumstances shall a federal OOS order be ignored.** Document a federal OOS violation using the following guidance:

1 Carriers who have a federal "unsatisfactory" or "imminent hazard" OOS order on file are subject to the order regardless of whether they are operating in intrastate or interstate commerce. These violations shall not be removed from an inspection report.

2 Carriers based in Mexico and Canada operating with a federal OOS order are always subject to the order, and the violation shall not be removed from an inspection report.

3 Carriers who have a "failure to pay," "new entrant," or "denial of access" federal OOS order are only subject to the order when engaged in interstate commerce.

a In these cases, a remark in the notes section shall provide an explanation as to why the violation was removed, and shall document the name and ID number of the supervisor or manager notified.

(2) When documenting a federal OOS order impound on a CHP 180, Vehicle Report, the proper impound authority is Section 22651.4 CVC. The motor carrier's DOT number should be documented on the CHP 180.

NOTE: Section 22651.4 CVC may also be used as a storage authority for failure to pay registration, fuel permits, or other regulatory fees, or for having an outstanding warrant in California.

10. INSPECTION AND MAINTENANCE STATION STICKERS.

a. General. Fleet Owner Inspection and Maintenance Station (IMS) stickers (refer to Figure 3-1) are issued to licensed stations and affixed to vehicles in

accordance with the regulations contained in Title 13 CCR, HPM 84.1, and HPM 82.1, Licenses and Permits.

b. Stickers. Fleet Owner IMS stickers are valid for a period of one year from the month of issuance, which is noted by removing the appropriate month and year boxes from the sticker.

c. Corrections. Certification of correction of defects by Fleet Owner IMSs shall be in accordance with the requirements of Title 13, Section 619(d) CCR, and shall be accepted as proof of correction for the purpose of clearing CHP enforcement documents. A list of Fleet Owner IMS-licensed stations is available in each Division Motor Carrier Safety Unit.

d. Prohibitions. The CVSA decals shall not be issued or affixed to any vehicle based on a Fleet Owner IMS certification of correction.

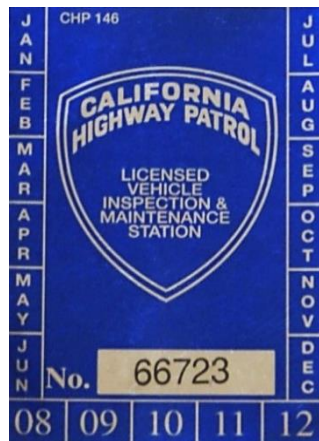


Figure 3-1, Fleet Owner IMS Sticker