

INFORMATION BULLETIN



February 2, 2023

FEDERAL OUT-OF-SERVICE ORDERS

The Commercial Vehicle Section (CVS) has received numerous inquiries related to federal out-of-service (FOOS) orders. This Information Bulletin (IB) updates information related to FOOS orders and supersedes a prior IB released on January 8, 2014. Sections 2800(b)(1) and 34518(b)(3) of the California Vehicle Code (CVC); and Title 13, Section 1239 of the California Code of Regulations; prohibit motor carriers from operating after being declared out-of-service by the Federal Motor Carrier Safety Administration (FMCSA). **Interstate** motor carriers are subject to all FOOS orders. **Intrastate** motor carriers are subject to FOOS orders for “imminent hazard” or “unsatisfactory” ratings only. The following chart illustrates the types of FOOS orders, and when they apply to **interstate** or **intrastate** transportation:

Type of Federal Out-of-Service Order	Prohibited in Interstate Operations	Prohibited in Intrastate Operations
Imminent Hazard	Yes	Yes
Unsatisfactory	Yes	Yes
New Entrant–Refusal	Yes	No
New Entrant–Failure	Yes	No
New Entrant–Expedited Action Notification	Yes	No
Failure to Pay	Yes	No
Denial of Access	Yes	No

As the chart illustrates, new-entrant, failure-to-pay, and denial-of-access FOOS orders, are only applicable to motor carriers engaged in **interstate** commerce. Motor carriers based in Mexico and Canada are always subject to all FOOS orders.

Once a motor carrier’s Department of Transportation (DOT) number is entered into the Iteris inSPECT inspection software program, several FMCSA databases are automatically queried to verify if the motor carrier is subject to a FOOS order. When Iteris inSPECT recognizes a DOT number with a current FOOS order, a warning box will be displayed to the user advising, “This carrier is currently under a Federal OOS order.” Iteris inSPECT will automatically populate the CVC violation, which is mapped to the associated FOOS order regulation. Inspectors should verify the automatically



populated violation and determine applicability to the motor carrier at the time of inspection, based on the type of FOOS order. Vehicles operated by a motor carrier with a valid FOOS order may be impounded pursuant to Section 22651.4 CVC. The following chart contains FOOS violations which may be automatically populated into an inspection:

Title 49, Code of Federal Regulations	Description
Section 386.72(b)(4)	Imminent hazard, motor carrier.
Section 386.72(b)(4)	Imminent hazard, intermodal equipment provider.
Section 385.13(a)(1)	Unsatisfactory—placarded hazardous materials.
Section 385.13(a)(1)	Unsatisfactory—passenger carriers.
Section 385.13(a)(1)	Unsatisfactory—property carriers.
Section 385.13(a)(2)	Unsatisfactory—Mexico-based carrier.
Section 385.337(b)	New entrant, refusal of audit.
Section 385.325(c)	New entrant, failure of safety audit.
Section 385.308(d)	New entrant, failure to respond to expedited action notification from FMCSA.
Section 386.83(a)(1)	Private carrier, failure to pay fine.
Section 386.83(a)(1)	For hire carrier, failure to pay fine.
Section 385.105(b)	Mexico-based carrier with an inadequate correction action plan.
Section 385.111(c)(1)	Mexico-based carrier with suspended operating authority.
Section 381.111(c)(2)	Mexico-based carrier with revoked operating authority.

NOTE: Automatically populated violations for an **intrastate** motor carrier with a FOOS order, for other than imminent hazard or unsatisfactory ratings, shall only be removed after remarks are added to the “Notes” field in Iteris inSPECT indicating why the violation was removed, and following supervisor or manager review of the reason for removing the violation. (Refer to Annex A, Federal Out-of-Service Order Flowchart.)

Questions regarding this IB may be directed to CVS, at (916) 843-3400.

OFFICE OF THE COMMISSIONER

ANNEX A

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ANNEX A

FEDERAL OUT-OF-SERVICE ORDER FLOWCHART

