

ILLINOIS STATE POLICE DIRECTIVE ENF-036, COMMERCIAL VEHICLE ENFORCEMENT

RESCINDS: ENF-036, 2004-066, revised 09-27-2004.	REVISED: 02-05-2008 2008-021
RELATED DOCUMENTS: ENF-032, ISP Reference Manual	DISTRIBUTION: All employees maintaining an ISP Directives Manual All holders of the ISP Field Manual Office/desk copy
RELATED CALEA STANDARDS: 61.1.2, 61.1.5	

I. POLICY

The Illinois State Police (ISP) will enforce state and federal regulations regarding motor carrier safety (MCS). Inspections will be conducted utilizing North American Standard Inspection procedures.

II. AUTHORITY

625 ILCS 5/18b, et seq., "Illinois Motor Carrier Safety Law"

III. DEFINITIONS

III.A. Certified personnel - those personnel authorized by the Commercial Vehicle Section, Statewide Patrol Support Command, Division of Operations (DOO) to declare drivers and/or vehicles out-of-service (O.O.S.) as specified by the North American Standard Inspection procedure or equivalent ISP requirements.

III.A.1. Officers must conduct 36 inspections at their appropriate level of training, per federal fiscal year.

III.A.2. Failure to meet this requirement will result in an officer's ineligibility to work commercial vehicle hireback programs until a recertification course can be completed.

III.B. Commercial Vehicle Enforcement Officer (CVEO) - any officer selected by their district and certified by the Commercial Vehicle Section Supervisor and the Federal Motor Carrier Safety Administration to perform Level 1, hazardous material, and cargo tank/bulk packaging inspections.

III.B.1. The primary job function of each CVEO is the inspection of commercial motor vehicles.

III.B.2. To maintain certification, CVEOs must pass all required training and meet the performance standards of the commercial vehicle inspection program.

III.C. Inspection - the examination of the driver's qualifications and the vehicle for compliance with the MCS regulations, hazardous materials regulations, and related Illinois Vehicle Code (IVC)/Interstate Commerce Commission regulations.

III.C.1. Courtesy Inspection - inspections conducted at the request of the motor carrier.

III.C.1.a. Courtesy inspections are provided only as an educational and technical assistance service to motor carriers and are not meant to supplement carrier profile data.

III.C.1.b. Therefore, no inspection form (an Illinois Commercial Driver/Vehicle Inspection Report, form ISP 5-238 [available from the ISP Document Library at <http://maphome/documentlibrary/>]), enforcement action, or Commercial Vehicle Safety Alliance (CVSA) decals will be issued as a result of a courtesy inspection.

III.C.2. Level 1 (full inspection) - includes each of the items specified under the North American Standard Inspection procedure. As a minimum, a full inspection must include the examination of the:

III.C.2.a. Brake system

- III.C.2.b. Cargo securement
 - III.C.2.c. Coupling devices
 - III.C.2.d. Driver's license
 - III.C.2.e. Driver's record of duty status, if required
 - III.C.2.f. Exhaust system
 - III.C.2.g. Frame
 - III.C.2.h. Fuel system
 - III.C.2.i. Hazardous materials requirement, if applicable
 - III.C.2.j. Lighting devices
 - III.C.2.k. Medical examiner's certificate, if required, or a waiver, if applicable
 - III.C.2.l. Seat belt
 - III.C.2.m. Steering mechanism
 - III.C.2.n. Suspension
 - III.C.2.o. Tires
 - III.C.2.p. Vehicle inspection report
 - III.C.2.q. Wheels
 - III.C.2.r. Windshield wipers
- III.C.3. Level 2 (walk-around vehicle/driver inspection) - as specified under the North American Standard Inspection procedure. As a minimum, includes the examination of the:
- III.C.3.a. Cargo securement
 - III.C.3.b. Driver's license
 - III.C.3.c. Driver's record of duty status, if required
 - III.C.3.d. Exhaust systems
 - III.C.3.e. Fire extinguisher
 - III.C.3.f. Fuel systems
 - III.C.3.g. Hazardous materials requirements, if applicable
 - III.C.3.h. Head lamps
 - III.C.3.i. Low air warning device
 - III.C.3.j. Medical examiner's certificate, if required, or a waiver, if applicable
 - III.C.3.k. Seat belt
 - III.C.3.l. Stop lamps
 - III.C.3.m. Tires
 - III.C.3.n. Turn signals
 - III.C.3.o. Vehicle inspection report
 - III.C.3.p. Visible brake components
 - III.C.3.q. Visible coupling devices
 - III.C.3.r. Visible suspension components
 - III.C.3.s. Warning devices for stopped vehicles
 - III.C.3.t. Wheels
 - III.C.3.u. Windshield
 - III.C.3.v. Wipers
- III.C.4. Level 3 (driver/credentials inspection) - as specified under the North American Standard Inspection procedure. An examination of the:
- III.C.4.a. Driver's license
 - III.C.4.b. Driver's record of duty status, if required
 - III.C.4.c. Medical examiner's certificate, if required, or a waiver, if applicable
 - III.C.4.d. Seat belt
 - III.C.4.e. Vehicle inspection report
- III.C.5. Level 4 (special studies inspection) - typically includes a one time examination of a particular item. These examinations are normally made in support of a study or to verify or refute a suspected trend and should only be performed at the direction of the Commercial Vehicle Section supervisor, or designee.
- III.C.6. Level 5 (terminal inspection) - these type of inspections will only be conducted by a CVEO at a motor carrier's place of business.

III.C.7. Level 6 (enhanced radioactive inspection) - an inspection performed by certified CVEOs of select radiological shipments including enhanced Level 1 inspection procedures, radiological requirements, and enhanced out-of-service criteria. This type of inspection may only be performed on shipments of transuranics and highway route controlled quantities of radioactive materials.

III.D. Out-of-Service (O.O.S.) - the termination of operation of the driver and/or vehicle until violations are corrected or operating requirements have been satisfied.

IV. RESPONSIBILITIES

IV.A. Level 1 (full inspection)

Only CVEOs are authorized to perform this level of inspection, apply the CVSA decal to those vehicles found to be free of defects pursuant to Level 1 inspection criteria, and place drivers, vehicles, and/or hazardous materials O.O.S.

IV.B. Level 2 (walk-around driver/vehicle inspection)

Only those personnel trained and certified to perform Level 1 or Level 2 inspections will have the authority to place O.O.S. both drivers and/or vehicles meeting the established O.O.S. criteria.

IV.C. Level 3 (driver/credentials inspection)

Only those personnel trained and certified to perform Level 1, 2, or 3 inspections will have the authority to place O.O.S. a driver meeting the established O.O.S. criteria.

IV.D. Level 4 - (special studies inspection)

A special studies inspection will only be completed at the direction of the Commercial Vehicle Section supervisor or designee.

IV.E. Level 5 - (terminal inspection)

IV.E.1. Only CVEOs are authorized to perform this level of inspection, apply the CVSA decal to those vehicles found to be free of defects pursuant to Level 1 inspection criteria, and place vehicles, and/or hazardous materials O.O.S.

IV.E.2. This type of inspection will not include driver criteria.

IV.F. Level 6 - (enhanced radioactive inspection)

Only CVEOs are authorized to perform this level of inspection, apply the CVSA Enhanced Radioactive decal to those vehicles found to be free of defects pursuant to the enhanced Level 1 inspection criteria, and place drivers, vehicles, and/or loads of transuranic or highway route controlled quantities of radioactive materials O.O.S.

IV.G. Officers conducting a Level 1, 2, 3, 4, or 6 MCS inspection shall conduct inquiries to determine if the driver is disqualified or in violation of MCS regulations or Commercial Drivers License requirements.

V. PROCEDURES

V.A. O.O.S. Criteria

V.A.1. Only those personnel who have been certified to do so may place a driver and/or vehicle O.O.S.

V.A.1.a. Only CVEOs may place hazardous materials shipments O.O.S.

V.A.1.b. Only those violations listed and defined in the North American Standard Out-of-Service Criteria may be used to place a driver and/or vehicle O.O.S.

- V.A.2. Before declaring a vehicle O.O.S., the officer should determine if the location of the stopped vehicle is adequate to allow repairs to be done at the scene. If not, the vehicle may be moved to a suitable location, only if in doing so, the public will not be endangered.
- V.A.3. Declaring and marking vehicles O.O.S.
- V.A.3.a. When the Vehicle Out-of-Service Sticker, ISP 5-240, has been completed and the vehicle is parked in a safe location, the Vehicle Out-of-Service Sticker is to be applied to the vehicle as follows:
- V.A.3.a.1) Power units - apply to the outside of the windshield at a point directly in the line of vision of a person seated at the driving controls.
- V.A.3.a.2) Towed units (trailers) - apply to the left front corner near the brake and electric line connections.
- V.A.3.b. Provide the O.O.S. document number and other pertinent information to the district of assignment of the inspecting officer (optional at District Commander discretion).
- V.A.3.c. Provide the driver with the canary copy of form ISP 5-238.
- V.A.4. Declaring a driver O.O.S.
- V.A.4.a. Only those personnel certified may place a driver O.O.S. according to established O.O.S. criteria.
- NOTE:** Authorization may be obtained verbally from any CVEO to place a driver O.O.S.
- V.A.4.b. Provide the driver with the canary copy of form ISP 5-238.
- V.A.4.c. Ensure that all applicable boxes/sections have been completed documenting the O.O.S. violation and declaring the driver O.O.S.
- V.A.5. Officer Safety
- For the protection of the officer conducting the inspection, the officer will, before going under the vehicle, securely chock the vehicle by placing chock blocks at the front and rear of a drive axle wheel.
- V.A.6. Leakage of hazardous materials
- Leaking of any product, classified as a hazardous material inside or outside of a vehicle, is to be handled as follows:
- V.A.6.a. Contact a District CVEO immediately and make arrangements to park the vehicle in a suitable place until disposition of the matter is resolved.
- V.A.6.b. Stop inspection. Do not come in contact with the hazardous material.
- V.A.6.c. Make notification to authorities, if necessary. (Fire department, Illinois Emergency Management Agency, etc.)
- V.A.7. Conclusion
- V.A.7.a. Conclude the driver/vehicle inspection by completing form ISP 5-238.
- V.A.7.b. Have the driver sign the inspection report and explain the action, if any, to be taken, i.e., written warning, citation, O.O.S. information.
- V.A.7.c. Pursuant to the Level 1 inspection criteria, officers must follow guidelines set forth in the "Commercial Vehicle Safety Alliance Decal" directive found in the appendix of the North American Standard Out-of-Service Criteria.
- V.A.7.d. Only CVEOs trained in the enforcement of the Illinois Hazardous Materials Regulations will be authorized to perform the parts of the inspection procedure pertaining to hazardous materials.

- V.A.7.e. Place vehicle and/or driver O.O.S., if necessary, in a suitable location and apply the O.O.S. sticker to the appropriate vehicle(s).
- V.B. Terminal Inspections
 - V.B.1. Before a CVEO enters a carrier's place of business for the purpose of auditing the carrier's records, the officer will:
 - V.B.1.a. Receive authority from the Commercial Vehicle Section supervisor or designee.
 - V.B.1.b. Receive written permission from the owner or manager of the facility or obtain a proper court order.
 - V.B.1.c. Be accompanied by an authorized federal/state Department of Transportation official.
 - V.B.2. Only those vehicles ready for dispatch are eligible for a terminal inspection.
 - V.B.3. During the inspection, the officer will:
 - V.B.3.a. Confine his/her activities to only the case at hand.
 - V.B.3.b. Not remove any records without the written consent of the owner or manager or by direction of the court.
 - V.B.3.c. Complete form ISP 5-238 and write Terminal Inspection in the upper right corner and mark the appropriate box as Level 5 Inspection.
 - V.B.4. Whenever a CVEO is requested to provide a courtesy inspection at the carrier's place of business, the officer will:
 - V.B.4.a. Receive authority from the supervisor of the Commercial Vehicle Section or designee.
 - V.B.4.b. Confine the inspection to the vehicles provided.
 - V.B.4.c. Suggest to the carrier that the person(s) responsible for the maintenance of the vehicle be present during the inspection.
 - V.B.4.d. Whenever possible, limit the inspection to one or two vehicles.
- V.C. Whenever an officer receives a request from an outside law enforcement agency for a vehicle inspection, the officer will:
 - V.C.1. Advise their assigned district of the:
 - V.C.1.a. Nature of request
 - V.C.1.b. Police agency making request
 - V.C.1.c. Location of inspection
 - V.C.2. Upon arrival at the scene, determine the time vehicle was stopped and document the time in the "Violation Remarks" section of ISP 5-238.
 - V.C.3. Follow the same procedures as if the officer stopped the vehicle originally.
- V.D. Crashes Involving Commercial Vehicles
 - V.D.1. A CVEO will be assigned to provide technical assistance to Crash Reconstruction and/or investigating officers of the crashes involving \$25,000 or more property damage, injury, and/or death. If a CVEO is unavailable, it is recommended that an officer trained to perform Level 2 inspections be assigned to provide assistance.
 - V.D.2. The CVEO (other certified personnel will perform inspections as authorized) will perform a Level 1 inspection on all applicable vehicles and record all driver/vehicle discrepancies determined to have existed before the crash. Any damage occurring as the result of the crash which would normally result in an O.O.S. condition, will be included under the heading "Post Crash" and documented at the end of the inspection report.

V.D.3. The CVEO will obtain a copy of the crash report and forward, along with the completed MCS inspection form ISP 5-238, to:

| Illinois State Police
Commercial Vehicle Section
500 Iles Park Place, Suite 400
Springfield, Illinois 62703-2982

V.D.4. Any citations for violations will be issued by the officer/agency assigned to investigate the crash. In cases where a violation of Chapter 18b contributed directly to the crash, and the investigating agency does not have authority to enforce Chapter 18b, the inspecting officer may issue the citation.

V.D.5. Record ISP or other agency citations/warnings on the inspection report.

V.E. Enforcement

| V.E.1. The ISP will vigorously enforce the MCS Regulations set forth in Chapter 18B of the IVC.

V.E.2. Chapter 18B of the IVC establishes into law the Federal MCS Regulations which can only be enforced by the ISP. It is generally a practice to refrain from issuing citations for minor equipment violations. This practice does not weaken enforcement, but strengthens it by providing greater assurance that a violation has, in fact, occurred.

V.E.2.a. It is important that officers refrain from extending police discretion to such an extent that it is no longer a discretionary act, but is instead an extension of the law.

V.E.2.b. It is equally important that such discretion be uniformly applied to prevent confusion and misunderstanding on the part of commercial vehicle drivers and carriers and to avoid giving the impression that enforcement of the MCS Regulations is being arbitrarily managed in each district or area of the State.

V.E.3. The Department will continue to allow officers to exercise their own good judgment uniformly in the conduct of their enforcement activities.

V.E.4. When it is determined that the driver and/or vehicle is in violation of the MCS Regulations and the violation will not hinder safe operation, a written warning will be normal enforcement procedure.

V.E.5. When, in the course of the inspection, it is determined that a driver and/or vehicle are in violation of the MCS Regulations to the extent that it would cause the driver and/or vehicle to be placed O.O.S.; or in the officer's judgment, the condition of the vehicle is due to neglect, misuse, or lack of maintenance; or when other unusual circumstances occur, the issuance of a citation will be normal enforcement procedure.

V.E.6. When taking enforcement action, officers will refrain from the practice of stacking violations.

EXAMPLE: An officer observes that there are five inoperative identification lamps on a combination vehicle. Only one citation or written warning will be issued for this offense. The officer would note on the inspection report where on the combination vehicle these inoperative lamps were located.

| Indicates new or revised items.

-End of Directive-