



## **Section 12: Vehicle Inspection, Repair and Maintenance**

## Section 12

### Vehicle Inspection, Repair, and Maintenance

#### 49 CFR Part 396

Vehicle inspection, repair and maintenance standards are critical to the safe operation of commercial motor vehicles (CMVs) The systematic maintenance standards are designed to reduce accidents, injuries and fatalities resulting from unsafe vehicles operating on the highways.

**General Standards:** Minnesota Statutes adopt most of the Federal Motor Carrier Safety Regulations, 49 CFR Part 393 (Parts and Accessories) and Part 396 (Inspection, Repair, and Maintenance). Under these regulations:

- A carrier is responsible for ensuring it properly inspects, repairs, and maintains vehicles under its control;
- A carrier must establish a regular or scheduled maintenance program to inspect, repair and maintain vehicles in a safe operating condition (inspection, maintenance, or repair intervals may be fleet specific or, in some instances, vehicle specific);
- A motor vehicle may not be operated when its mechanical condition is likely to cause an accident or breakdown;
- Parts and accessories (including those specified in 49 CFR Part 393 and any additional parts and accessories which may affect safe operation of the vehicle) must be in safe operating condition at all times; and
- Push out windows, emergency doors, and emergency door marking lights in buses must be inspected at least every 90 days.

#### **Interstate Carriers Who Must Comply:**

- Carriers operating vehicles that have a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) or gross vehicle weight (GVW) or gross combination weight (GCW) of 10,001 pounds or more;
- Carriers operating vehicles designed or used to transport more than 8 passengers, (including the driver) for compensation;
- Carriers operating vehicles designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation;
- Carriers transporting Hazardous Materials of a type or quantity that requires the vehicle to be placarded.

## **Intrastate Carriers Who Must Comply:**

- For-hire carriers operating any size vehicle;
- Private carriers operating vehicles or vehicle combinations with a gross vehicle weight over 10,000 pounds;
- Carriers transporting hazardous material of a type or quantity that requires the vehicle to be placarded;
- Certain transit providers\*; and
- Solid waste transporters.

*\*Special Transportation Services (STS) and Limousine operators should refer to the rules that govern their operation. See MN Rules 8840.5950, and 8880.0900*

Certain Intrastate Carriers are not subject to the vehicle inspection, repair and maintenance standards. These carriers include:

- Private carriers engaged in intrastate commerce and operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the carrier; and
- Carriers exclusively providing transportation described in Minn. Stat. § 221.025, (1) or (3) through (14) (see Section 14 Types of Carriers - Exemptions).

**Vehicle Inspection, Repair and Maintenance Records:** For each vehicle a carrier controls for 30 consecutive days or more, the carrier must ensure that vehicle maintenance files are maintained. Each vehicle file must contain:

- Vehicle identification information including the company number (if so marked), make, serial number, year, and tire size. If the vehicle is leased, the person furnishing the vehicle must be identified;
- Due date(s) and type(s) of inspections and maintenance operations to be performed;
- A record of inspections, repairs, and maintenance indicating their date and nature; and
- A record of tests conducted on push out windows, emergency doors, and emergency door marking lights on buses.

Vehicle maintenance records must be retained where the vehicle is either housed or maintained for a period of one year and be retained for six months after the vehicle leaves the carrier's control.

**Pre-trip Inspections:** (49 CFR Part 392)

Before driving a commercial motor vehicle (CMV), the driver shall be satisfied the CMV is in safe operating condition. No CMV shall be driven unless the following parts and accessories are in good working order:

- Service brakes, including trailer brake connections
- Parking (hand brake)
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wiper or wipers
- Rear-vision mirror(s)
- Coupling devices
- Wheels and rims
- Emergency Equipment

A driver must be satisfied the emergency equipment is in place and ready for use. CMVs must carry the following emergency equipment:

- A fire extinguisher is properly filled, securely mounted and readily accessible. (Minimum ratings 5B:C or two 4B:C for general commodities, or 10B:C for hazardous materials transportation);
- Warning devices for stopped vehicles, preferably three red reflective triangles; and
- Spare fuses (of each type and size used in the vehicle) for power units in which fuses are needed to operate any required parts and accessories.

A driver may not operate a CMV and a motor carrier may not require or permit a driver to operate a CMV unless:

- The CMV's cargo is properly distributed and secured (as specified in 49 CFR 393.100 through 393.136);
- The CMV's tailgate, tailboard, doors, tarps, spare tire and other equipment used in its operation, and the means for fastening the CMV's cargo are secure; and
- The CMV's cargo or any other object does not obscure the driver's view ahead or to the sides, interfere with the free movement of the

driver's arms or legs, prevent the driver from free and ready access to accessories required for emergencies or prevent the free and ready exit of a person from the CMV's cab or driver compartment.

Before driving a CMV, the driver is required to review the previous driver vehicle inspection report (DVIR), if one was prepared. See Driver Vehicle Inspection Report for more information.

Drivers of trucks, truck-tractors or vehicle combinations must inspect and adjust as necessary the cargo and the devices used to secure the cargo within the first 50 miles after beginning a trip. Re-examination of the cargo and load securement devices must be made whenever:

- The driver makes a change of his/her duty status;
- The CMV has been driven for 3 hours; or
- The CMV has been driven for 150 miles, whichever occurs first.

The rules for inspection of cargo and load securement devices do not apply to the driver of a sealed CMV who has been ordered not to open it to inspect its cargo or to the driver of a CMV that has been loaded in a manner that makes inspection of its cargo impracticable.

### **Manner of Loading** (Minn. Stat. § 169.81 subd. 5)

No vehicle is to be driven or moved on the highway unless it is so constructed, loaded or the load securely covered as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping. For specific information, please refer to Minn. Stat. § 169.81 subd. 5.

### **Cargo Load Securement** (49 CFR Sections 393.100-393.136)

MN has adopted the load securement requirements of the Federal Motor Carrier Safety Regulations (FMSCRs). The regulations are applicable to all commercial motor vehicles (CMVs) operating in interstate or intrastate transportation. For drivers who are transporting hazardous materials, additional loading and unloading requirements may apply (see Section 17).

## **Driver Vehicle Inspection Report (DVIR) (49 CFR Sections 396.11 and 396.13)**

Every carrier shall require its drivers to report, and every driver shall prepare a report in writing\* at the completion of each day's work on each vehicle operated.

*\*The driver of a passenger-carrying CMV must prepare and submit a report even if no defect or deficiency is discovered or reported to the driver; and*

*\*The driver of a property-carrying CMV is not required to prepare or submit a report if no defect or deficiency is discovered by or reported to the driver.*

The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver which would affect the safe operation of the vehicle or result in its mechanical breakdown. The driver must sign the report after completing it. If a driver operates more than one vehicle during the day, a report must be prepared for each vehicle operated. On two-driver operations, only one driver needs to sign the driver vehicle inspection report provided, both drivers agree to the defects/deficiencies.

Prior to requiring or permitting a driver to operate a vehicle, every motor carrier or its agent shall repair any defect/deficiency listed on the DVIR which would likely affect the safe operation of the vehicle. The carrier/agent must certify on the original DVIR that the defect/deficiency has been repaired or the repair is unnecessary before the vehicle is operated again.

Before driving a CMV, a driver is required to review the last DVIR, if one was prepared, and sign the report\* only if defects or deficiencies were noted by the driver who prepared the report to acknowledge that the driver has reviewed it and that there is a certification the required repairs have been performed.

*\*The signature requirement is not required if the DVIR lists defects on a towed unit which is no longer part of the vehicle combination.*

For vehicles subject to the Minnesota Annual Inspection, a copy of the DVIR, including certifications of repairs, must be carried in the CMV at all times when the vehicle is operated until the next DVIR is completed. Carriers are required to maintain the DVIR including the certification of repairs and certification of the driver's review for three months from the date the DVIR was prepared.

**Federal Annual Inspection:** The following vehicles, when operated by a carrier in interstate commerce, are required to pass a Federal Annual Inspection:

- Vehicles that have a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) or gross vehicle weight (GVW) or gross combination weight (GCW) of 10,001 or more;
- Vehicles designed or used to transport more than 8 passengers, (including the driver) for compensation;
- Vehicles designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- Vehicles used to transport Hazardous Materials of a type or quantity that requires the vehicle to be placarded.



Minnesota Vehicle Inspection Decal

*Note: Vehicles passing Minnesota Annual Vehicle Inspections will be considered to have met the requirements of a Federal Annual Inspection for a period of 12 months from the last day of the month in which the inspection was performed.*

A carrier is prohibited from using a CMV unless each component identified in Appendix G of 49 CFR 396 has passed an inspection at least once during the preceding 12 months. Documentation of the inspection is required to be carried on the vehicle. The original or a copy of the inspection report shall be kept by the carrier for 14 months.

A carrier must ensure the individual(s) performing an annual inspection is qualified. (See 49 CFR 396.19 for Inspector Qualifications). The motor carrier must retain evidence of an inspector's qualification for the time the individual is performing annual motor vehicle inspections for the carrier, and for one year thereafter. However, motor carriers do not have to maintain documentation of inspector qualifications for those inspections performed as part of the Minnesota Annual Vehicle Inspection Program.

**Minnesota Annual Vehicle Inspection Program:** A commercial motor vehicle that is registered and operated in Minnesota and self-propelled special mobile equipment must be inspected annually by an inspector certified by the Minnesota State Patrol. For the Minnesota Annual Vehicle Inspection Program, a CMV includes:

- A vehicle with a gross vehicle weight (GVW) of more than 26,000 pounds (including self-propelled special mobile equipment);
- Each vehicle in a combination of more than 26,000 pounds;
- Any vehicle used to transport hazardous materials of a type or quantity requiring the vehicle to display placards; or
- A bus designed to transport more than 15 passengers, including the driver.

Vehicles passing a MN Annual Vehicle Inspection will be issued a decal valid for 12 months after the month specified on the decal. The owner of the vehicle must keep a copy of the inspection report for 14 months at a location where the vehicle is housed or maintained.

The owner of a CMV that is not housed or maintained in Minnesota but is in compliance with the Federal Annual Inspection for vehicles operating in interstate commerce may apply for a certificate of compliance. For more information, contact the Minnesota State Patrol's Commercial Vehicle Section at 651-350-2000 option 2 or visit <https://dps.mn.gov/divisions/msp/commercial-vehicles/Pages/mandatory-inspection-program-mip.aspx>.

The requirements for the Minnesota Annual Vehicle Inspection Program do not apply to vehicles operated by Intrastate Motor Carrier of Passengers where the vehicle has been inspected in accordance with Minn. Stat. § 221.0252 within the previous 12 months or to a Covered Farm Vehicle that is not transporting hazardous materials requiring the vehicle(s) to display placards (See Covered Farm Vehicle definition in Section 20).

### **Roadside Inspections** (49 CFR Section 396.9 and Minn. Stat. § 169.771)

A commercial motor vehicle operating in Minnesota may be subject to a roadside inspection. The driver of any CMV receiving an inspection report shall deliver it to the carrier operating the vehicle upon his/her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the carrier within 24 hours, the driver shall immediately mail, fax or otherwise transmit the report to the carrier.

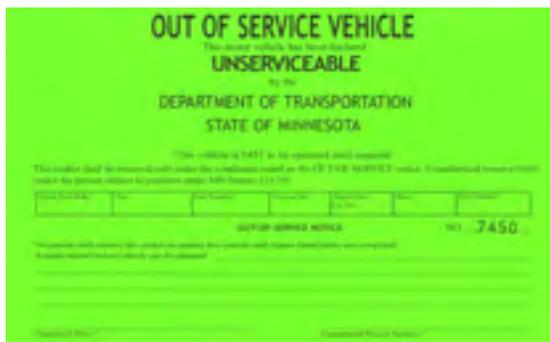
A carrier official must sign and date the inspection report, certifying that all violations have been corrected. The signed inspection report is required to be returned within 15 days of the date of the inspection. A copy of the report must be kept by the carrier for 12 months from the date of inspection.

**Out-Of-Service Vehicles** (49 CFR Section 396.9 and Minn. Stat. § 221.036 subd. 3(d))

A state inspector may place a CMV out-of-service if its mechanical condition or loading is likely to cause an accident or breakdown. An “out-of-service” sticker will be placed on the vehicle and the vehicle cannot be moved until the out-of-service defects are corrected. A driver may be disqualified for at least 90 days and fined not less than \$1,000.00 if convicted of violating an out-of-service order. An employer may be fined up to \$10,000.00 for requiring an employee to operate a commercial motor vehicle while it is under an out-of-service order.



Minnesota Vehicle Out-Of-Service Sticker - Minnesota State Patrol



Minnesota Vehicle Out-Of-Service Sticker - Minnesota Department of Transportation

## Is your cargo properly secured?

Roadway debris can be deadly to drivers, with AAA reporting in 2016 that it was responsible for more than 500 deaths across the U.S. over a four-year period. Unfortunately, debris from unsecured loads can also harm wildlife and reduce the quality of our Minnesota waters as it makes its way to the lakes, streams and wetlands we depend on for fishing, swimming and drinking water. Minnesota law requires vehicles be prepared to secure loose material and prevent it from escaping by blowing or spilling (Minn. Stat. § 169.81 subd. 5).

Tips on how to secure and inspect your load:

- Use a tarp large enough to completely cover your trailer or truck bed.
- Tightly secure the tarp with ropes, bungee cords, netting or straps.
- Place lighter items at the bottom of the load.
- Don't overload — keep material level with the truck bed or trailer.
- When transporting large or stacked items, make sure they are tied down.
- Check for holes or cracks in your truck or trailer bed before you hit the road.
- Continue to check your cargo covers along your route. A flapping cover can tear lose and release debris or block yours or other driver's views.

