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# FMCSR—Inspection, Repair and Maintenance

The Federal Motor Carrier Safety Regulations (FMCSR) generally apply to interstate motor carriers; however, many states use significant parts of these regulations as the basis for their intrastate regulations. The requirements for the inspection, repair, and maintenance of commercial motor vehicles are found in Title 49 of the Code of Federal Regulations, Part 396 (49 CFR 396). This report summarizes these requirements.

## Introduction

The Federal Motor Carrier Safety Regulations (FMCSR) generally apply to interstate motor carriers; however, many states use significant parts of these regulations as the basis for their intrastate regulations. The regulations include requirements for driver qualification, driving of commercial motor vehicles (CMVs), equipment, hours of service, and transportation of hazardous materials.

The requirements for the inspection, repair, and maintenance of commercial motor vehicles are found in Title 49 of the Code of Federal Regulations, Part 396 (49 CFR 396). Every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with the inspection or maintenance of CMVs must comply and be conversant with these rules. This report summarizes the requirements found in 49 CFR 396. The code should be consulted directly for regulatory compliance issues.

## General Requirements

Every motor carrier must systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all CMVs subject to its control.

Parts and accessories must be in safe and proper operating condition at all times. These include those specified in 49 CFR Part 393 (Parts and Accessories Necessary for Safe Operation) and any additional parts and accessories that may affect safety of operation, including, but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems.

Pushout windows, emergency doors, and emergency door marking lights in buses must be inspected at least every 90 days. Generally, inspection of a push-out window would require pushing out the window. However, if the window may be destroyed by pushing out to test its proper functioning, a visual inspection may qualify as a test if the inspector can ascertain the proper functioning of the window without opening it. Checking to ensure that the rubber push-out molding is properly in place and has not deteriorated and that any handles or marking instructions have not been tampered with would meet the test requirement. Inspection of emergency door marking lights would require opening the door to test the lights.

### Required Records

For vehicles controlled for 30 consecutive days or more, except for a private motor carrier of passengers (nonbusiness), the motor carriers must maintain, or cause to be maintained, the following record for each vehicle:

- An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the CMV is not owned by the motor carrier, the record must identify the name of the person furnishing the vehicle.
- A means to indicate the nature and due date of the various inspection and maintenance operations to be performed.
- A record of inspection, repairs, and maintenance indicating their date and nature.
- A record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.

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

### Lubrication

Every motor carrier must ensure that each CMV subject to its control is properly lubricated and free of oil and grease leaks.

### Unsafe Operations Forbidden

A motor vehicle shall not be operated in such a condition as to likely cause an accident or a breakdown of the vehicle. However, a CMV discovered to be in an unsafe condition while being operated on the highway may be continued in operation only to the nearest place where repairs can safely be made and only if it is less hazardous to the public than to permit the vehicle to remain on the highway.

### Motor Vehicles Declared "Out of Service"

Any CMV that, by reason of its mechanical condition or loading, would likely cause an accident or a breakdown, can be declared "out of service" by authorized inspectors. An "Out of Service Vehicle" sticker will be placed on the CMV.

A motor carrier may not require or permit any person to operate, nor shall any person operate any vehicle declared and marked "out of service" until all repairs required by the "out of service" notice have been satisfactorily completed. CMVs marked "out of service" may be towed away by means of a vehicle using a crane or hoist.

No person can remove the "Out of Service Vehicle" sticker from any CMV prior to completion of all repairs required by the "out of service" notice.

### Roadside Inspections

The driver of any CMV receiving a roadside inspection report must deliver it to the motor 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 motor carrier operating the vehicle within 24 hours, the driver must immediately mail the report to the motor carrier. Motor carriers must examine the report and correct any violations or defects noted thereon.

Within 15 days following the date of the inspection, the motor carrier must certify that all violations noted on the inspection report have been corrected by completing the "Signature of Carrier Official, Title, and Date Signed" portions of the form and return the completed roadside inspection form to the issuing agency at the address indicated on the form. A copy

of the form must be maintained at the motor carrier's principal place of business or where the vehicle is housed for 12 months from the date of the inspection.

## Driver Vehicle Inspection

Except for a private motor carrier of passengers (nonbusiness), a driveaway-towaway operation, or any motor carrier operating only one CMV, every motor carrier must require its drivers to report, and every driver must prepare a written report at the completion of each day's work, for each vehicle operated. The report must cover at least the following parts and accessories:

- Service brakes including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

### Driver Vehicle Inspection Report (DVIR)

The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver that would affect the safety of operation of the vehicle or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report must so indicate. In all instances, the driver must sign the report. On two-driver operations, only one driver needs to sign the DVIR, provided both drivers agree as to the contents. Where a driver is

dispatched on a trip of more than one day's duration, the driver(s) can submit the DVIRs to the motor carrier upon his/her return to the home terminal; however, any defects or deficiencies noted must be repaired before continuing on the trip. If, in unusual circumstances, the DVIR has not been prepared or cannot be located, the motor carrier may cause a road test and inspection to be performed for safety of operation and the DVIR to be prepared.

### Corrective Action

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

A motor carrier official or agent who certifies that defects or deficiencies have been corrected or that correction was unnecessary is not required to be a mechanic or have training concerning commercial motor vehicle maintenance with the exception of individuals performing the periodic or annual inspections, and motor carrier employees responsible for ensuring that brake-related inspection, repair, or maintenance tasks are performed correctly.

### Record Retention

Every motor carrier must maintain the original DVIR, the certification of repairs, and the certification of the driver's review for three months from the date the written report was prepared.

### Pre-Trip Inspection

Before driving a CMV, the driver must be satisfied that the vehicle is in safe operating condition, review the last DVIR, and, if defects or deficiencies were noted by the driver who prepared the report, sign the report to acknowledge that the driver has reviewed it and that there is a certification that the required repairs have been performed. The signature requirement does not apply to listed defects on a towed unit that is no longer part of the vehicle combination.

### Driveaway-Towaway Inspections

Before the beginning of any driveaway-towaway operation of CMVs in combination, the motor carrier must make a careful inspection and test to ascertain that:

- The towbar or saddle-mount connections are properly secured to the towed and towing vehicle, and function adequately without cramping or binding of any of the parts.
- The towed vehicle follows substantially in the path of the towing vehicle without whipping or swerving.

### Post-Trip Inspection

Motor carriers must maintain practices to ensure that, following completion of any trip in a driveaway-towaway operation of CMVs in combination, and before they are used again, the towbars and saddle-mounts are disassembled and inspected for worn, bent, cracked, broken, or missing parts. Before reuse, suitable repair or replacement must be made of any defective parts and the devices properly reassembled.

### Periodic Inspection

CMVs must be inspected annually, including each vehicle in a combination vehicle. For example, for a tractor, semitrailer, fulltrailer combination, the tractor, semitrailer, and the fulltrailer (including the converter dolly if so equipped) must each be inspected. If an intermodal container is attached to a chassis at the time of a periodic inspection, the container also must be inspected.

A motor carrier may perform the required annual inspection for vehicles under the carrier's control. A motor carrier also may choose to have a commercial garage, fleet leasing company, truck stop, or other similar commercial business perform the inspection as its agent, provided that business operates and maintains facilities appropriate for commercial vehicle inspections and it employs qualified inspectors.

Vehicles passing roadside or periodic inspections performed under the auspices of any state government or equivalent jurisdiction or the FMCSA will be considered to have met the requirements of an annual inspection for a period of 12 months commencing from the last day of the month in which the inspection was performed.

### Inspector Qualifications

For other than federal or state inspectors, a motor carrier is responsible to ensure that the individual performing an annual inspection is qualified as follows:

- Understands the inspection criteria set forth in 49 CFR part 393 and Appendix G to Subchapter B—Minimum Periodic Inspection Standards, and can identify defective components.
- Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection.

- Is capable of performing an inspection by reason of experience, training, or both as follows: by having successfully completed a state or federal-sponsored training program or has a certificate from a state or Canadian province that qualifies the person to perform commercial motor vehicle safety inspections; or has a combination of training and/or experience totaling at least one year. Such training and/or experience may consist of:
  - Participation in a truck manufacturer-sponsored training program or similar commercial training program designed to train students in truck operation and maintenance;
  - Experience as a mechanic or inspector in a motor carrier maintenance program;
  - Experience as a mechanic or inspector in truck maintenance at a commercial garage, fleet leasing company, or similar facility; or
  - Experience as a commercial vehicle inspector for a state, provincial or federal government.

Evidence of an individual's qualifications under this section must be retained by the motor carrier for the period during which that individual is performing annual CMV inspections for the motor carrier, and for one year thereafter. In those cases in which the inspection is performed by a commercial garage or similar facility or a leasing company, the motor carrier may allow the commercial garage or leasing company to maintain a copy of the inspector's qualifications on behalf of the motor carrier. The motor carrier, however, is responsible for obtaining copies of evidence of the inspector's qualifications upon the request of federal, state, or local officials. If, for whatever reason, the motor carrier is unable to obtain this information from the third party, the motor carrier may be cited for noncompliance.

### Recordkeeping Requirements

The qualified inspector performing the inspection must prepare a report that:

- Identifies the individual performing the inspection.
- Identifies the motor carrier operating the vehicle.
- Identifies the date of the inspection.
- Identifies the vehicle inspected.
- Identifies the vehicle components inspected and describes the results of the inspection, including the identification of those components not meeting the minimum standards.
- Certifies the accuracy and completeness of the inspection as complying with all the requirements of this section.

The original or a copy of the inspection report shall be retained by the motor carrier, or other entity who is responsible for the inspection, for a period of fourteen months from the date of the inspection report. The original or a copy of the inspection report shall be retained where the vehicle is either housed or maintained, and proof of the inspection must be on the vehicle. On-vehicle evidence can be a copy of the inspection report or other forms of on-vehicle documentation, such as a sticker or decal, that contains the following information:

- The date of inspection.
- Name and address of the motor carrier or other entity where the inspection report is maintained.
- Information uniquely identifying the vehicle inspected if not clearly marked on the CMV.
- A certification that the vehicle has passed the inspection.

A CVSA (Commercial Vehicle Safety Alliance) Level I or Level V inspection is equivalent to the federal periodic inspection requirements and a CVSA decal displayed on the CMV, or a copy of the Level I or Level V inspection report maintained in the vehicle, constitutes sufficient evidence of inspection. Where the motor carrier operating the CMVs did not perform the CMV's last annual inspection, the motor carrier is responsible for obtaining the original or a copy of the last annual inspection report upon demand of an authorized federal, state, or local official.

## Brake Inspection and Maintenance

No motor carrier may require or permit any employee who does not meet the following minimum brake inspector qualifications to be responsible for the inspection, maintenance, service, or repair of any brakes on its CMVs. The individual must understand the brake service or inspection task to be accomplished and be able to perform that task; be knowledgeable of and have mastered the methods, procedures, tools, and equipment used when performing an assigned brake service or inspection task; and be capable of performing the assigned brake service or inspection by reason of experience, training, or both as follows:

- Has successfully completed an apprenticeship program sponsored by a state, a Canadian province, a federal agency or a labor union, or a training program approved by a state, provincial or federal agency, or has a certificate from a state or Canadian province that qualifies the person to perform the assigned brake service or inspection task (including passage of commercial driver's license air brake tests in the case of a brake inspection); or
- Has brake-related training or experience or a combination thereof totaling at least one year. Such training or experience may consist of participation in a training program sponsored by a brake or vehicle manufacturer or similar commercial training program designed to train students in brake maintenance or inspection similar to the assigned brake service or inspection tasks; or experience performing brake maintenance or inspection similar to the assigned brake service or inspection task in a motor carrier maintenance program; or experience performing brake maintenance or inspection similar to the assigned brake service or inspection task at a commercial garage, fleet leasing company, or similar facility.

A driver without an air-brake endorsement on his/her CDL is permitted to perform brake adjustments at a roadside inspection providing they are done under the supervision of a qualified brake adjuster and the carrier is willing to assume responsibility for the proper adjustment. Directions for adjusting the brakes may be issued to the driver by telephone by a qualified inspector.

### Evidence of Qualifications

No motor carrier may employ any person as a brake inspector unless the evidence of the inspector's qualifications is maintained by the motor carrier at its principal place of business, or at the location at which the brake inspector is employed. The evidence must be maintained for the period during which the brake inspector is employed in that capacity and for one year thereafter. However, motor carriers do not have to maintain evidence of qualifications to inspect air brake systems for such inspections performed by persons who have passed the air brake knowledge and skills test for a commercial driver's license.

## References

1. Inspection, Repair, and Maintenance, 49 C.F.R. § 396 (2003). May 19, 2004.  
<http://www.fmcsa.dot.gov/regulations/title49/part/396>

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