Roadside Inspection Manual
**This manual is intended for use by multiple departments and agencies. It is not intended to give you permissions or authorities beyond the scope of your position. Be sure to use your regulation and out of service criteria (OOS) before writing up a violation and placing a vehicle or driver OOS.**

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Level III Inspections
Level III Checklist
A level III inspection consists of inspecting the driver and log book only. This includes driver qualifications, license/CDL, log book, and drugs and alcohol.

Items to collect
1. Driver’s license/CDL.
2. Medical card for non-CDL.
3. Medical waiver (if applicable).
4. Cab Card/registration.
5. Bill of lading/shipping papers and any receipts.
6. Odometer Reading.
7. GVWR – if it’s a truck tractor and you are unable to get the GVWR use 52,000 as the default number. Non-CDL vehicles or combination vehicles where the driver is required to have a CDL and does not possess one you will need to verify the GVWR on both units.
8. Transfer ELD to eRODS.

Vehicle Markings/DOT authority
390.21 – Dot/markings/name/number. Intrastate Exemption 740-100-0010 (see non-CDL flow chart). If the vehicle is a non-CDL vehicle and the carrier is a private carrier operating in intrastate commerce, they are not required to display markings.
390.19A1 – No/inactive USDOT number. – Oregon requires all carriers to have a USDOT number.
392.9AA – No operating authority.
825.450 – No or inactive weight mile tax – only for vehicles over 26,000 lbs.

391.11 Driver Qualifications
1. Age 21/18.
2. Must be able to sufficiently communicate in English - Write this violation when you have exhausted any reasonable attempt to communicate in English.
3. Medical Certificate - CDL drivers are not required to carry a medical card because it is part of their CDL. Non-CDL drivers must provide a medical card. Intrastate Exception 740-100-0010 (see non-CDL flow chart): The driver is operating intrastate, the company is a private carrier, and is not carrying placarded quantities of hazmat.
4. Skills Performance Evaluation/Exemption Letter – only required if driver is missing a limb or has other medical issue that wouldn’t allow him to pass a standard physical. If NLETS or CDLIS shows there is a required waiver, the driver must provide it to the inspector to make sure the driver is meeting all the requirements.
5. Valid license – cannot be suspended in any state.

391.41A - No medical card when one is required. 391.45B – Medical card expired.
391.11B4 – No corrective lenses/hearing aids when required by medical card.
391.49J – No physical waiver when one is required.
740-100-0060(5) – No intrastate waiver when one is required.

License Requirements - See CDL Flowchart or see Non-CDL Flow Chart
391.11B5 – No license for non-CDL driver.
391.11B5 – No corrective lenses/hearing aids when required by non-CDL license
391.15A – Disqualified/suspended non-CDL driver.
383.23A2 – No CDL when required, or downgraded due to medical.
383.51A – CDL disqualified/suspended (anywhere).
383.91A – Improper class of CDL.
383.93 – Improper endorsement on CDL – only CDL’s have endorsements.
383.23A2 – No corrective lenses/hearing aids when required by CDL.
**Hours of Service**

Exception from requirements to carry a logbook.

395.1E1 – CDL vehicle within 150 air miles and returns to home location within 14 hours.
395.1E2 – Non-CDL vehicle within 150 air miles and returns to home location.
395.1K – Agriculture 150 air miles from the original source – See Agriculture Tab
395.1N – Utility service vehicles.
395.1R – Railroad signal employees.
395.1S – Covered farm vehicles (see definition 390.5) – CDL farm vehicles are exempt anywhere within the state. If they cross state lines they get 150 air miles from the farm. Non-CDL farm vehicles are exempt throughout the whole country.

**ELD Exemptions** (see ELD exemptions)

1. A CMV or the engine manufactured before model year 2000.
2. In a manner requiring RODS not more than 8 days in any 30 day period.
3. Driveaway-towaway operation where the vehicle being driven is part of the shipment.
4. Driveaway-towaway involving RV vehicles when at least one set of wheels are on the ground.
5. Livestock and insects (until further notice).
6. Property carrying CMV rented for eight days or less (until 10/11/2022).

**HOS**

395.8 – General form and manner.
395.8A – No log/ELD – this includes a device that is not integrally connected to the vehicle.
395.8E – False log.
395.8F – Log not current.
395.8K – Failure to retain 7 days of logs.
395.3A3 – 11 hour rule.
395.3A2 – 14 hour rule.
395.3B – 60/70 hour rule.
395.3A3II – 30 minute break.
395.1G – Supporting documents.

**Intrastate Hours**

392.2 – 12 hour rule.
392.2 – 16 hour rule.
392.2 – 70/80 hour rule.

**Electronic Logging Device - ELD**

395.22H – No instructions or blank log supply.
395.24D – Cannot transfer/display/print.
395.32B – Unassigned drive time.
395.34A1 – Fail to note malfunction.
395.20B – ELD not visible outside of CMV.

**Automatic On Board Recording Device - AOBRD**

395.15I9 – Driver not adequately trained.
395.15G – No instructions or blank log supply.
**Driving of Motor Vehicles**

392.2 – Local laws (general).
392.4A – Possession of or under the influence of a controlled substance.
392.5A – Possession of or under the influence of alcohol.
392.3 – Sickness or fatigue.
392.16 – Failure to use or improper seatbelt.
392.71A – Radar detector.
392.80A – Cellphone – texting.
392.82A – Cellphone – talking.
392.22B – Fail to use warning devices.

**Moving Violations/Local Laws**

392.2S – Speeding.
392.2FC – Following too close.
392.2C – Fail to obey traffic control device.
392.2ML – Failure to maintain lane.
392.2Y – Fail to yield right away.
392.2LV – Improper lane use.
392.2LC – Improper lane change.
392.2P – Improper passing.
292.2T – Improper turn.
392.2R – Reckless driving.
392.2RG – Registration/plate violation.

*Only write up the moving violation used for probable cause in the violation section on the inspection report if there is a citation issued.*

**Example’s on how to write common violation:**

395.8(e) - False log – On 9/24/19 Woodburn scale shows crossing at 7:00am, log shows sleeper berth in Roseburg, OR from midnight through 10:00am.

395.8(a) – No log/ELD - Log not integrally connected to vehicle, 9/23, 9/21, 9/20, and 9/19 shows 0 miles and 0 engine hours when driving occurred each day.

383.51(a) – Driver suspended in Oregon for failure to appear on 1/1/19, reference number 3869456.

383.23(a)(2) – CDL is downgraded due to no medical card on file with Oregon DMV – Driver did not turn in medical card to DMV causing the downgrade.

392.2S – Speeding 69 mph in a 55 mph zone – citation number 123456
Level II Inspections

When doing a level II inspection, you are allowed to write violations present under the vehicle that are *clearly broken* (consider taking a picture). If you do not know what the item is or you are unfamiliar with it, proceed with caution. Ensure you know enough about the part or its function to properly articulate the violation.

*Always inspect within your abilities.*

*We are not expert mechanics!*

**No MSU!**

**No making stuff up!**
**Level II Checklist**

A Level II Inspection consists of inspecting the driver and the top side mechanics of the vehicle. We call this a walk around inspection. This checklist is a continuation of the Level III checklist from the previous tab and only lists mechanical items.

**Items to Inspect**

**Brakes**
1. 393.45A - Air leak at other than proper connection
2. 393.45D - Leaking connections
3. 396.3A1B – Air valves - leaking
4. 393.45 – Brake hose adequacy/chaffing
5. 393.43D – Breakaway protection
6. 393.51 – Low air warning device
7. 393.55 – ABS
8. 393.48A – Inoperative/defective/missing components
9. 396.3A1B – Brakes (general components)
10. 396.5B – Contamination – wheel seal
11. 396.3A1 – Failed air drop test

**Coupling Devices**
1. 393.70A – Improper tracking
2. 393.70B – Fifth wheel violations
3. 393.70B2 – Locking mechanism
4. 393.70C – Full trailer towbar
5. 393.70D – Safety chains/cables full trailer
6. 393.71 – Driveaway/towaway coupling
7. 396.3A1 – Crack in fifth wheel plate

**Exhaust Systems**
1. 393.83G – Leaks under cab/sleeper
2. 393.83F – Improper repair/patch/wrap

**Frame**
1. 393.201A – Crack/broke/bent/loose/sagging
2. 393.201B – Cab/body securement
3. 393.203 – Cab/body components
4. 393.201A – Frame rail flanges

**Fuel Systems**
1. 396.3A1 – Fuel system leaks
2. 393.67C7 – Fuel tank cap
3. 393.65C – Fuel tank securement
4. 393.65F – Fuel line protection
**Lighting Regulations**
1. 393.9 – Brake lamps inop
2. 393.9 – Clearance/ID lamps inop
3. 393.9H – Head lamps inop
4. 393.9T – Tail lamps inop
5. 5393.9TS – Turn/hazard lamps inop
6. 393.9 – Inop required light
7. 393.11 – Missing required light
8. 393.23 – No electrical connection
9. 393.25B – Lamp visibility
10. 393.11 – Projecting load – no lights
11. 393.87A – Projecting load – no flag
12. 393.11 – Reflective tape – trl mfg post 12/1/93
13. 393.13A – Reflective tape – trl mfg pre 12/1/93
14. 393.11 – Reflective tape – trac mfg post 7/1/97

**Steering**
1. 393.209D – Steering components
2. 393.209E – Power steering system
3. 393.209C – Loose steering column
4. 393.209B – Excess steering lash

**Suspension**
1. 393.207A – Axle positioning parts (general)
2. 393.207F – Air suspension pressure loss
3. 393.207C – Leaf spring assembly
4. 393.207B – Adjustable axle-lock pin
5. 396.3A1 – Adjustable axle slide guide

**Tires**
1. 393.75A3 – Flat/audible leak
2. 393.75A4 – Cut exposing fabric
3. 393.75A1 – Exposed ply/belt material
4. 393.75A2 – Tread/sidewall separation
5. 393.75B – Tread (<4/32” – steer axle)
6. 393.75C – Tread (<2/32” – other axle)
7. 396.3A1 – Contacting vehicle/mate
8. 393.75G – Exceeding sidewall rating

**Wheels**
1. 393.205A – Cracked/broken
2. 393.205C – Fasteners loose/missing
3. 393.205B – Elongated stud/bolt holes
4. 396.5B – Wheel seal contamination
**Miscellaneous**
1. 396.3A1 – General repair/maintenance
2. 393.95F – Emergency warning devices
3. 393.95A – Fire extinguisher
4. 396.5B – Grease/oil leaks
5. 393.60C – Windshield condition
6. 393.78 – Windshield wipers
7. 393.82 – Speedometer inoperative
8. 393.81 – Horn inoperative
9. 393.79 – Defroster inoperative
10. 393.77 – Heaters
11. 393.80 – Mirrors – Rear vision
12. 393.86A – Rear end protection – trailers mfg > 1/26/98
14. 396.9D2 – Fail to correct previous inspection violations
15. 396.17C – Annual inspection
16. 393.79 – Defroster inoperative
17. 392.2 – Mudflaps
18. 396.7 – Unsafe operations forbidden

**Load Securement**
1. 392.9 – Unsecured spare tire or dunnage
2. 393.100A – General securement
3. 393.100B – Leaking / spilling / falling on roadway
4. 393.100C – Fail to prevent shifting of cargo
5. 393.104B – Securement devices/anchor points damaged/loose/improper repair
6. 93.104F4 – Edge protection
7. 393.106D – Working load limit
8. 393.110 – Number of tiedowns
9. 393.116 – Logs
10. 393.118 – Building products/lumber
11. 393.120 – Metal coils
12. 393.122 – Paper rolls
13. 393.124 – Concrete pipe
14. 393.126 – Intermodal container
15. 393.128 – Automobiles
16. 393.130 – Heavy vehicles/equipment
17. 393.132 – Flattened/crushed vehicles
18. 393.134 – Roll on/off or hook lift containers
19. 393.136 – Large boulders

**Decked Log Trailers**
740-105-0010 – Securement of empty trailer placed on vehicle

**Example’s on how to write common violation:**
393.75A3 – Right side, axle 3, inside tire is flat and off the rim.
393.205C – Left side axle 3 - 2 of 10 lug nuts next to each other are loose. 393.9TS – Right turn signal on rear of trailer is inop.
393.75C – Left side axle 5 inside tire has two major tread grooves measured with less than 2/32 of an inch.
Violation Checklist
## Commercial Vehicle Inspection Regulations Reference Guide – Law Enforcement

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### HOURS OF SERVICE DRIVERS

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## Conclusion

The regulation details cover a wide range of violations and requirements for both Commercial and Non-CDL drivers, ensuring compliance with the Department of Transportation (DOT) regulations. Each rule is accompanied by a section number, facilitating easy reference.
INTRASTATE HOURS OF SERVICE

12 hr rule...........................................392.2H
16 hr rule...........................................392.2H
70/80 rule...........................................392.2H

SECURITY OF EMPTY TRAILER PLACED ON VEHICLE

Rear end protection – vehicles mfg < 1/26/98..............................395.20A
Rear end protection – trailers mfg > 1/26/98..............................395.20B

UNSAFE OPERATIONS FORBIDDEN

Defroster inoperative..............................................393.136
Horn inoperative..................................................393.136

GENERAL MECHANICAL VIOLATIONS

Brake hose/tube chaffing.....................................393.45B2
Brake tubing/air hose adequacy................................393.45
Air leak at other than proper connection..............396.3A1
Contaminated brake...............................................396.5B
Brakes (general)..................................................396.3A1B
Leaking connections.............................................393.45D
Failed air drop test.............................................396.3A1

COUPLING DEVICES

Failed air drop test.............................................396.3A1

HAZARDOUS MATERIALS (GENERAL)

No shipping papers............................................177.817A
No placards.....................................................177.823A

ELECTRONIC LOGGING DEVICE – ELD - EXEMPTIONS

PERMANENT EXEMPTIONS

• Vehicle or engine mfg. prior to model year 2000.
• CDL required short haul drivers operating within 150 air miles.
• Non-CDL required short haul drivers operating within 150 air miles.
• Driveaway/towaway operations where vehicle being driven is part of the shipment.
• RV transport with wheels on the ground.

TEMPORARY EXEMPTIONS

• Until further notice – Oregon Intrastate only drivers (Not applicable to placarded HM).
• Until further notice – Livestock and Insect haulers.
• Until 10/11/22 – Rental vehicles when rented for 8 days or less.
• Until 1/19/23 – Motion Picture Association of America.

MISCELLANEOUS

Annual periodic inspection........................................396.17C
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Non-English speaking........................................391.11B2

DECKED LOG TRAILERS

Securement of empty trailer placed on vehicle ............740-105-0010

CARGO SECUREMENT

Unsecured spare tire or dunnage.....................392.9
Devices/anchor points damaged.......................393.104
Working load limit...........................................393.106D
Number of tiedowns........................................393.110
Leaking/spilling/falling on roadway...................393.100B
Fail to prevent shifting of cargo........................393.100C
General securement.........................................393.100A
Automobiles..................................................393.128
Building products/lumber.................................393.118
Concrete pipe...............................................393.124
Flattened/crushed lumber.................................393.132
Heavy vehicles/equipment..............................393.130
Intermodal container.......................................393.126
Large boulders................................................393.136
Logs..................................................................393.116
Metal coils......................................................393.120
Paper rolls.......................................................393.122
Roll on/off or hook lift containers.....................393.134

DOVER Meta Entry/FuelsTaxVehInfoLookup/
Safety Notices

See current Safety Notices online.
Conspicuity Tape

See FMCSA’s Conspicuity Requirements for Commercial Motor Vehicles online.
0OS Criteria

See current North American Standard Out of Service Criteria online.
Weight Mile
Oregon Weight Mile Tax Receipt went away on 9/26/19, carriers are no longer required to carry a copy in the vehicle. This will be problematic for our roadside inspectors who have relied on this document for many years to provide them the information for their inspection. We have come up with the following solutions listed below.

1. If you stop an Oregon carrier, the CAB card will have all the information the weight receipt had.
2. If you stop an Oregon carrier and the driver provides a Registrant Cab Card there will be no USDOT number listed. This is a Registrant and not necessarily the carrier that is listed. The vehicle information should be correct but you will need to verify with the driver who the carrier is.
3. Out of state CAB cards normally have all the information required except they will not have an Oregon account number (also called file number or state # in ASPEN). Do your best to get the Oregon account number. If there is no way of getting the account number leave that field blank on the paper inspection or in ASPEN.
4. Option 4 is your best source for current information if you have web access. The Web access will give you carrier information, vehicle information, and will give you the current account status letting you know if the carrier is active or inactive. See the next few slides for how to access the online account information.
Go to this website: 
https://www.oregontruckingonline.com/cf/MCAD/pubMetaEntry/FuelsTaxVehInfoLookup/
Select find a trucking company by base license plate number. Fill in the required boxes and the secret squirrel code.

This page will come up with the carrier information. This screen will tell you if the vehicle is active or inactive, if you click on the unit number it will give you more details about the unit.
This screen gives you all the information about the vehicle that can be copied and pasted into ASPEN if you are using ASPEN.

Here is an example of an inactive carrier/vehicle. In this case you would write a violation of ORS. 825.450.
Here is an example of an inactive and active account when running the plate. Select the active account for the information needed.
ASPEN
How to Use Aspen

Open the ASPEN icon on your computer and this screen will come up.

**Note: The zoom setting on your computer cannot be greater than 175% or fields within Aspen will be lost.**
Step 1 – Insert the carriers USDOT number here and hit enter.

Step 2 – Verify the carrier information is correct in the carrier information box below where you entered the USDOT number.

Step 3 – If carrier information is correct click the inspect button at the bottom of the screen.
Step 4 – Start Tab
Select the inspection level you will be doing and insure all other fields are correct. Select the correct Special Checks box that you are doing. If you are at a fixed location select eScreen Inspections, if you are Law Enforcement on a traffic stop, select Traffic Enforcement.

Step 5 – In the inspection location field select fixed or roadside depending if you are at a scale or doing traffic enforcement. Once you select the tab double click on the location and fields below will be auto populated. If you are roadside be sure to enter the highway and milepost where the inspection occurs. If within a city; indicate the city in the Highway field and the street or cross-streets within the Milepost field. Never delete or change the location code.

Step 6 – Carrier/Vehicle
Select the next tab (Carrier/Vehicle) at the top of the screen.
Step 7 – Be sure the carrier information is correct and fill in the State number (not auto populated). The State # in this field is the same as the Oregon Account Number which you can find on the Oregon Cab card (Oregon Carriers only) or online when checking account status. https://www.oregontruckingonline.com/cf/MCAD/pubMetaEntry/carrierinfoByVeh/
**If unable to locate the State #, leave this field blank.

---

** Step 8 – Enter the vehicle and trailer information. VIN is not required on the trailer. The GVWR is not required on the trailer unless Truck and Trailer weight are required together to make a CMV. Also insert trailer GVWR if the combination requires a CDL and the driver does not have one.**

---

** Step 9 – Driver Tab**
Enter Driver and co-driver driver information. Driver violations can be filled in under the all violations tab when you get there. Only fill in Co-Driver information if it is complete. Partial information can be added to notes on the finish tab.
Step 10 – Brakes Tab
The tab for brakes is only if you are doing a level 1 inspection. Disregard if you are doing level 2 or level 3 inspection.

Step 11 – Cargo Tab
Fill in the information for the cargo being hauled. Leave the Hazmat boxes alone unless you are hazmat certified and have a hazmat load.
Step 12 – All Violations Tab
If there are violations select the violations tab. Select the proper driver or vehicle under unit. If you have a violation code enter it and a box will show up and you can select the correct violation. You could also double click the violation box and select the violation from the categories. After selecting the violation enter additional information in the additional violation description box. If a citation is issued enter the citation number.

Step 13 – State Tab
- Enter Odometer or Hubometer
- Medical card if non-CDL or Canx CDL
- Put an X in the appropriate Probable Cause box and select if you gave a warning or citation.
  - If you select PC Warning for a moving violation you will not cite a 392.2 violation in the all violations tab. If you select PC Citation for a moving violation you will write a 392.2 violation.
Step 14 – Finish Tab

- If you placed the vehicle out of service enter an OOS sticker number.
- Inspection notes are for additional information. This is not shared with carriers or drivers.
- Be sure to enter your name and Inspector ID number.
- Once complete click on calendar and it will auto populate with the date and time.

Step 15 – Driver Tab

If you placed the driver OOS you will need to return to the driver tab and list how long the driver is OOS.

Example: Until license is reinstated, 10 consecutive hours off.
Step 16 – Finish Tab
Once you are finished with the inspection, click on the red check in the upper left corner to check for errors. Once complete it is time to print the inspection.
**Regular Printer:** Select the print icon at the top left. Print the report, click complete in the lower right box then go to step 19.
**Zebra Printer:** Click complete in the lower right box then continue to step 17.

Step 17 – Zebra Printer Application
If you have a Zebra printer you are now ready to print the inspection. Open the ASPEN Inspection Print Icon. When the program opens verify the Report number is correct and then click on Find Report – Open Form Print.
Step 18 – Print Report to Zebra Printer

Review the report to make sure it is correct. Make sure the Zebra printer is set as default then click on the print button.

The inspection should print to the Zebra Printer.

Sign the report, have the driver sign above their name confirming they received it. If driver was placed out of service have them initial the box that tells them how long they are OOS.

Be sure to inform them to provide the report to their carrier and return it to ODOT within 15 days if there are violations. The bottom of the report shows three separate ways of returning the inspection.

If the driver refuses to sign, write next to their name “refuse to sign” and give them the copy.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Type</th>
<th>Make</th>
<th>Base Plate</th>
<th>State</th>
<th>Equip. Id</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>TT</td>
<td>PTRB</td>
<td>YA1234</td>
<td>OR</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>ST</td>
<td>UTIL</td>
<td>HU3458</td>
<td>OR</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Unit</th>
<th>Vio Code</th>
<th>OOS</th>
<th>Sticker</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>382.2-SLLS2</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>363.9</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>383.75A3</td>
<td>Y</td>
<td>567895</td>
</tr>
</tbody>
</table>

Tire-flat and/or audible air leak (Right side axle 5 inside tire is flat and off the rim.)

D    | 395.8E | Y   |

False report of drivers record of duty status (False Log on 09/26/2019 - Woodburn POE show crossing at 9am, log book shows Seattle, WA in sleeper berth.)
Step 19 – Transfer Tab
Go back into ASPEN and transfer your inspection. Click on the transfer tab. Tag each inspection that needs transferred and then click on transfer tagged.

Note: Once transferred, never retransfer unless directed by ODOT staff. Instead call the ODOT staff for guidance at 503-373-0982.
Load Securement
Load Securement – Stay in Your Lane

Each of the below items is considered separately. If you have a 393.106 (working load) violation and a 393.110 (length) violation, CVSA Policy 14 says you will write both violations separately and place both OOS. Also only one violation code per vehicle.

392.9 – Unsecured Dunnage – OOS violation. This violation is strictly for dunnage that includes tarps, straps, chains, boards, tires, and anything else the driver uses to secure a load that is laying about unsecured. Violations for unsecured dunnage goes against the driver. In the violation description describe what items are unsecured.

393.100 – Protection against Shifting and Falling Cargo – OOS violation. This violation is for when the load is not secure and items could fall onto the road or the non-secured items could affect the stability of the vehicle. This also includes sifting loads as well as loads such as roofing shingles that are not placed where straps secure them.

393.104 – Damaged securement devices - *Never OOS*. When there is a securement device where the damage meets the defect table in the OOS criteria you will write this violation and remove the strap/chain from the weight and length equations. This also includes knots, and no edge protection.

393.106 – Weight – OOS violation. Remember to always take the weight of the load and divide it in half. Securement devices get the full working load limit (WLL) if they go from one side of the vehicle to the other (indirect). They only receive half the WLL if they go from one side of the trailer directly to the load or to the load and back to the same side of the trailer (direct). Violations for WLL should include the weight of the article of cargo and WLL of the securement devices in the description. If chains, straps, or cables are not marked with the WLL use the tables in 393.108. Also – Articles not restrained from rolling and articles of cargo beside each other that do not touch falls under 393.106.

393.110 – Length – OOS violation. For the length of the load there should be a strap, chain, or cable every 10 feet and fraction thereof. If there is no header-board or if the cargo is not placed against the headerboard or other items that act as a headerboard then an additional penalty strap is required. Violations for length should include measurements in the description as well as how many securement devices were used vs. how many are required. I.e. 40 foot load of beams not blocked and braced. 5 straps required, only has 4 effective. Note – gut wraps fall under 393.118 commodity specific and are ONLY applicable to lumber and similar building products banded and stacked in tiers.

393.116 – 136 – Commodity Specific – Will be a violation and OOS. With commodity specific be sure to read the applicability before applying the specific part. If it doesn’t meet the applicability then you will use the general rules 393.100 through 393.114. Any violation of the specific rule is considered OOS.

**Reminder** – Use the violation codes in the OOS criteria when writing load securement violations.
### Table – Working Load Limits (WLL) for Chain

<table>
<thead>
<tr>
<th>Chain Size in millimeters (inches)</th>
<th>Chain Marking</th>
<th>Unmarked Chain</th>
<th>Grade 30 proof coil</th>
<th>Grade 43 high test</th>
<th>Grade 70 transport</th>
<th>Grade 80 alloy</th>
<th>Grade 100 alloy</th>
</tr>
</thead>
<tbody>
<tr>
<td>7mm (1/4in)</td>
<td>None</td>
<td>3, 30, 300</td>
<td>4, 43, 430</td>
<td>7, 70, 700</td>
<td>8, 80, 800</td>
<td>10, 100, 1000</td>
<td></td>
</tr>
<tr>
<td>8mm (5/16in)</td>
<td>580kg (1,300lb)</td>
<td>580kg (1,300lb)</td>
<td>1,180kg (2,600lb)</td>
<td>1,430kg (3,150lb)</td>
<td>1,570kg (3,500lb)</td>
<td>1,950kg (4,300lb)</td>
<td></td>
</tr>
<tr>
<td>10mm (3/8in)</td>
<td>860kg (1,900lb)</td>
<td>860kg (1,900lb)</td>
<td>1,770kg (3,900lb)</td>
<td>2,130kg (4,700lb)</td>
<td>2,000kg (4,500lb)</td>
<td>2,600kg (5,700lb)</td>
<td></td>
</tr>
<tr>
<td>11mm (7/16in)</td>
<td>1,200kg (2,650lb)</td>
<td>1,200kg (2,650lb)</td>
<td>2,450kg (5,400lb)</td>
<td>2,990kg (6,600lb)</td>
<td>3,200kg (7,100lb)</td>
<td>4,000kg (8,800lb)</td>
<td></td>
</tr>
<tr>
<td>13mm (1/2in)</td>
<td>1,680kg (3,700lb)</td>
<td>1,680kg (3,700lb)</td>
<td>3,270kg (7,200lb)</td>
<td>3,970kg (8,750lb)</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>16mm (5/8in)</td>
<td>2,030 kg (4,500lb)</td>
<td>2,030 kg (4,500lb)</td>
<td>4,170kg (9,200lb)</td>
<td>5,130kg (11,300lb)</td>
<td>5,400kg (12,000lb)</td>
<td>6,800kg (15,000lb)</td>
<td></td>
</tr>
</tbody>
</table>

### Working Load Limits (WLL) for Natural and Synthetic Fiber Rope

<table>
<thead>
<tr>
<th>Size</th>
<th>WLL</th>
<th>Size</th>
<th>WLL</th>
<th>Size</th>
<th>WLL</th>
<th>Size</th>
<th>WLL</th>
<th>Size</th>
<th>WLL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manila</td>
<td>Polypropylene (3 &amp; 8 Strand)</td>
<td>Polyester (3 &amp; 8 Strand)</td>
<td>Nylon</td>
<td>Double Braided Nylon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10mm (3/8in)</td>
<td>90kg (205lb)</td>
<td>10mm (3/8in)</td>
<td>180kg (400lb)</td>
<td>10mm (3/8in)</td>
<td>250kg (555lb)</td>
<td>10mm (3/8in)</td>
<td>130kg (278lb)</td>
<td>10mm (3/8in)</td>
<td>150kg (336lb)</td>
</tr>
<tr>
<td>11mm (7/16in)</td>
<td>120kg (265lb)</td>
<td>11mm (7/16in)</td>
<td>240kg (525lb)</td>
<td>11mm (7/16in)</td>
<td>340kg (750lb)</td>
<td>11mm (7/16in)</td>
<td>190kg (410lb)</td>
<td>11mm (7/16in)</td>
<td>230kg (502lb)</td>
</tr>
<tr>
<td>13mm (1/2in)</td>
<td>150kg (315lb)</td>
<td>13mm (1/2in)</td>
<td>280kg (625lb)</td>
<td>13mm (1/2in)</td>
<td>440kg (960lb)</td>
<td>13mm (1/2in)</td>
<td>240kg (525lb)</td>
<td>13mm (1/2in)</td>
<td>300kg (655lb)</td>
</tr>
<tr>
<td>16mm (5/8in)</td>
<td>210kg (465lb)</td>
<td>16mm (5/8in)</td>
<td>420kg (925lb)</td>
<td>16mm (5/8in)</td>
<td>680kg (1,500lb)</td>
<td>16mm (5/8in)</td>
<td>420kg (935lb)</td>
<td>16mm (5/8in)</td>
<td>510kg (1,130lb)</td>
</tr>
<tr>
<td>20mm (3/4in)</td>
<td>290kg (640lb)</td>
<td>20mm (3/4in)</td>
<td>580kg (1,275lb)</td>
<td>20mm (3/4in)</td>
<td>850kg (1,880lb)</td>
<td>20mm (3/4in)</td>
<td>640kg (1,420lb)</td>
<td>20mm (3/4in)</td>
<td>830kg (1,840lb)</td>
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<tr>
<td>25mm (1in)</td>
<td>480kg (1,050lb)</td>
<td>25mm (1in)</td>
<td>950kg (2,100lb)</td>
<td>25mm (1in)</td>
<td>1,500kg (3,300lb)</td>
<td>25mm (1in)</td>
<td>1,140kg (2,520lb)</td>
<td>25mm (1in)</td>
<td>1,470kg (3,250lb)</td>
</tr>
<tr>
<td>Size</td>
<td>WLL</td>
<td>Size</td>
<td>WLL</td>
<td>Size</td>
<td>WLL</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
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<td>-----------</td>
<td>-------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45mm</td>
<td>790kg (1,750lb)</td>
<td>31.7 x .74mm (1-1/4 x 0.029in)</td>
<td>540kg (1,190lb)</td>
<td>7mm</td>
<td>640kg (1,400lb)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1-3/4in)</td>
<td></td>
<td>31.7 x .79mm (1-1/4 x 0.031in)</td>
<td>540kg (1,190lb)</td>
<td>8mm (5/16in)</td>
<td>950kg (2,100lb)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50mm</td>
<td>910kg (2,000lb)</td>
<td>31.7 x .89mm (1-1/4 x 0.035in)</td>
<td>540kg (1,190lb)</td>
<td>10mm (3/8in)</td>
<td>1,360kg (3,000lb)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2in)</td>
<td></td>
<td>31.7 x 1.12mm (1-1/4 x 0.044in)</td>
<td>770kg (1,690lb)</td>
<td>11mm (7/16in)</td>
<td>1,860kg (4,100lb)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>75mm</td>
<td>1,360kg (3,000lb)</td>
<td>31.7 x 1.27mm (1-1/4 x 0.05in)</td>
<td>770kg (1,690lb)</td>
<td>13mm (1/2in)</td>
<td>2,400kg (5,300lb)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3in)</td>
<td></td>
<td>31.7 x 1.5mm (1-1/4 x 0.057in)</td>
<td>870kg (1,925lb)</td>
<td>16mm (5/8in)</td>
<td>3,770kg (8,300lb)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100mm</td>
<td>1,810kg (4,000lb)</td>
<td>50.8 x 1.12mm (2 x 0.044in)</td>
<td>1,200kg (2,650lb)</td>
<td>20mm (3/4in)</td>
<td>4,940kg (10,900lb)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4in)</td>
<td></td>
<td>50.8 x 1.27mm (2 x 0.05in)</td>
<td>1,200kg (2,650lb)</td>
<td>22mm (7/8in)</td>
<td>7,300kg (16,100lb)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25mm (1in)</td>
<td>9,480kg (20,900lb)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CDL Flowchart
Subject: Commercial Driver License Definition with Flowchart, Restrictions and Endorsements

FMCSR Part 383.5 defines a CMV as a motor vehicle or combination of motor vehicles with either a manufacturer’s weight rating or actual weight over 26,000 pounds.

- CDL requirements apply to the gross vehicle weight rating (GVWR) or actual vehicle weight, whichever is greater.

- Refer to the CDL Flow Chart attached (updated 02/28/19) for CDL Classes, Endorsements & Restrictions

If actual weight or rated weight of the trailer effects the CDL requirement, **Indicate the GVWR or actual weight of all vehicle(s) in the combination on the inspection report.**

**Note:**
If the driver possesses a regular license, but a CDL is required by the GVWR or Actual weight, this is an OOS violation under FMCSR 383.23A2.

ODOT/Motor Carrier Transportation Division
SN2019.04
03/15/19
Example Violations

**F383.23(a)(2)** – Driver’s CDL has been downgraded due to not providing a medical card to their DMV.

**383.23(a)(2)** Operating without a CDL, GVWR of truck is 27,500 pounds, requires class B CDL.

**383.51(a)** – Driver’s CDL is suspended for Failure to Appear in Oregon on 1/1/2018 Ref # 345678

**383.23(a)** – Driver was not wearing corrective lenses at time of stop as required on CDL.

**391.11(b)(4)** – Driver was not wearing corrective lenses at time of stop as required on medical card.

**383.91(a)** – Driver was operating vehicle with a Class B license. Class A is required CMV 16,000 pounds trailer 12,000 pounds.
Non-CDL Flowchart
Non-CDL Vehicle Flow-Chart
(Be sure GVWR of the vehicle is under 26k and not just registered under 26k)

Does vehicle require a CDL?
(See CDL Flow Chart)

YES

All Rules Apply
- CDL – must be valid, proper class & endorsements, not in violation of restrictions
- Driver is not required to carry a medical card as long as CDL is valid
- Must have a USDOT number
- USDOT number and carrier name must be displayed on each side of the vehicle

NO

Is the load interstate or intrastate?

INTER-STATE

All Rules Apply
- DL – must be valid, not in violation of restrictions
- Driver must carry and provide a valid medical card
- Must have a USDOT number
- USDOT number and carrier name must be displayed on each side of the vehicle

INTRA-STATE

Is the carrier a for-hire or a private motor carrier (hauling their own stuff)?

FOR-HIRE

All Rules Apply
- DL – must be valid, not in violation of restrictions
- Driver is not required to have a medical card
- Must have a USDOT number
- USDOT number and carrier name are not required to be displayed on each side of the vehicle

PRIVATE

Oregon intrastate exemption 740-100-0010
- DL – must be valid, not in violation of restrictions
- Driver is not required to have a medical card
- Must have a USDOT number
- USDOT number and carrier name are not required to be displayed on each side of the vehicle

BACK TO LEVEL III
Example Violations

1. 390.19A1 – Carrier failed to register with FMCSA to get a USDOT number. (Note: This violation is for intra-state and interstate carriers).

2. 390.21B – Carrier name and or USDOT number is not displayed on both sides of the vehicle.

3. 391.41A – No valid medical certificate on file with DMV or driver is not in possession of a medical certificate when required.

4. If a CDL is required violations of such will be cited under Part 383.

5. If a CDL is NOT required, violations of such will be cited under Part 391.
Canada CDL

See the current [Canadian Driver’s License Reference Guide](#) online.
Subject: CDL – Mexican License Design and Interpretation

All classes reissued every 5 years

Haz Mat reissued every 3 years
CDL status must be verified through NLETS, CDLIS, Query Central or online at: [http://app.sct.gob.mx/ConsultaInfracciones//detalleLicFederal.do](http://app.sct.gob.mx/ConsultaInfracciones//detalleLicFederal.do)

This website is in Spanish, accessing it through Google Chrome will allow for a translate option.

** There is no single design or simple way of determining that a license is fraudulent just by looking at it, it is recommended that you click the Foto button to view the picture on file with the licensing authority.**

<table>
<thead>
<tr>
<th>Categoria</th>
<th>Description</th>
<th>Comparable To</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>For any bus</td>
<td>US Class B with passenger endorsement</td>
</tr>
<tr>
<td>B</td>
<td>Any CMV (no HM)</td>
<td>US Class A with tank &amp; doubles/triples endorsement</td>
</tr>
<tr>
<td>C</td>
<td>Straight trucks max of 3 axles (including trailer) (no HM)</td>
<td>US Class B with tank endorsement</td>
</tr>
<tr>
<td>D</td>
<td>Autos or small busses not to exceed 7716 lbs or 13 passengers including driver</td>
<td>None</td>
</tr>
<tr>
<td>E</td>
<td>Any CMV including HM</td>
<td>Class A with HM, tank &amp; doubles/triples endorsement</td>
</tr>
<tr>
<td>F</td>
<td>Taxis from any seaport or airport in Mexico</td>
<td>None</td>
</tr>
</tbody>
</table>
English Skills Test

During roadside inspections you will come across individuals who’s English is very hard to understand or they can not speak English at all. When you come across these situations please make every attempt to communicate before writing a 391.11 violation. There are many tools out there like Google Translate that you can use. Only write a 393.11 violation when all attempts have been made and the driver admits he doesn’t understand English. Use the questionnaire below after all attempts have been made to communicate and be sure to write in the notes section of ASPEN the reason for your decision.
Strategies for Communication with Non-Native Speakers of English and Examples of Driver Interview Questions

Inspectors should explain that: (1) they must conduct a portion of the inspection in English, specifically the driver interview; (2) drivers must respond appropriately in English as a means of establishing their proficiency; and (3) a driver’s failure to establish his/her ability to respond to these basic questions in English will result in a violation of FMCSR Section 391.11(b)(2).

The inspector should speak slowly, but naturally. Be mindful not to rush the questions, and paraphrase (in English) as appropriate.

<table>
<thead>
<tr>
<th>General Driver Interview</th>
<th>Questions Possible Paraphrases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Where did you start your trip today?</td>
<td>Where are you coming from today?</td>
</tr>
<tr>
<td>2. Where are you driving to today?</td>
<td>Where are you going today?</td>
</tr>
</tbody>
</table>
| 3. How long have you been driving today? | What time did you start today?  
| | What time are you planning to stop driving today? |
| 4. What are you hauling today? | What's in your truck/trailer?  
| | What cargo do you have in your truck/trailer? |
| 5. Who are you driving for today? | Who are you working for?  
| | Who is paying you for the load?  
| | What is the name of your employer? |
| 6. What is the telephone number for the trucking company you are driving for today? | What telephone number would you call if you had a problem today?  
| | What telephone number at the company would you call if you had an accident today? |
| 7. Show me your driver’s license please. | Show me your CDL. |
| 8. Show me the proof of insurance for your vehicles (if applicable). | Where is your insurance card? |
| 9. Show me the registration for your vehicle(s). | Where is your cab card?  
| | Where is your IRP cab card? |
| 10. What year was your truck manufactured? | What is the year of your truck?  
| | What year was your truck made? |
| 11. Did you perform your pre-trip inspection before you started driving today? | Did you do your pre-trip inspection today? |
| 12. Do you use time cards or log books? | How do you report the time you worked?  
| | Do you use a time clock at work? |

**Hazardous Material Questions (if applicable)**

| 13. What hazardous materials do you have on the truck today? | What hazmat do you have on board today?  
| | What hazmat do you have in the truck/trailer? |
| 14. What telephone number would you call in case of an emergency? | What telephone number would you call if you had a problem today?  
| | What telephone number at the company would you call if you had an accident today? |

4/1/2020
CDL Withdrawal Codes

Find CDL withdrawal codes online in the appendices of the DD11 Inquiry Program publication.

See the full publication.
Portal Account/Query Central

The FMCSA Portal Account is a tool to:

- Look up previous inspections.
- Make sure the driver is not disqualified through the Drug and Alcohol Clearing house.
eRODS
How to use eRODS

eRODS is an FMCSA program that allows the inspector to analyze the drivers logs. There are two ways ELD’s can transfer to eRODS, however we currently only have one way to transfer, which is Web Services due to lack of cellular service. If the device will not transfer to Web Services, you will have to manually check the device. There are over 400 manufacturers, below is one example of how to transfer a file to Web Services from a company called Keep Trucking which is one of the most common devices on the road.

Select the three hashmarks and a drop-down box will appear.
Select DOT Inspection Mode.
Select begin inspection if you want to view the logs on the device.

Select Send Output File if you want to transfer to Web Services and view from eRODS.
In the Official Comment section type in your inspector number. This will be the same number you have programmed in eRODS.
Once you have entered your inspector number hit send. Now return to your computer to view from eRODS.
Open up eRODS and log into Web Services.

1. Log in with your Portal credentials to connect to the eRODS Web Service and enable inactive features.
2. Locate an ELD File.
3. Additional Resources:
   - ELD FAQs
   - ELD Field Resource Center (login required)
   - eRODS User Guide
4. Watch the ELD Data Transfer Video.
5. Questions? Contact the eRODS Help Line:
   - Call: (877) 688-2984 (press 6 for eRODS)
   - Email: ELTech@dot.gov or click "Submit Feedback" below.
6. ELDs and eRODS: Improving Safety Through Technology.

Warning:
You are accessing a U.S. Government information system. This information system, including all related equipment, networks, and network devices, is provided for U.S. Government-authorized use only. Unauthorized or improper use of this system is prohibited, and may result in civil and criminal penalties, or administrative disciplinary action. The communications and data stored or transmitted by this system may be, for any lawful Government purpose, monitored, recorded, and subject to audit or investigation. By using this system, you understand and consent to such terms.
Be sure the same inspector code you provided to the driver is listed in the Safety Official Code Screen.

Select open from Web Services to get to the drivers logs.

Verify the driver and company are correct and select open.
The top section of each log is called the header. Look to see if the device is connected by checking mileage and engine hours. Check to ensure there were no malfunctions and no unidentified driving. You find the driver name, CDL number, time zone, company name and vehicle information here.

The middle section of the log is the graph. Normally when you hover over each colored dot it will tell you location and mileage. Red dots are locations, green are for personal conveyance and yard move, blue is intermediate locations, and the black are for engine power. Under the graph you may see “Other Event” data. This will generally be where unidentified driving, odometer jumps and data diagnostic issues will be found.
The Bottom section is the Daily Log Data with dates, times, locations, and events. The box on the right side will give you detailed information about each location. If you click on a dot on the graph this box will change, giving you information about that location. If you click on the map location it will open up Google maps and show you the exact location.
How to save the eRODS File

There are a couple of ways to save the eRODS file in case you end up in court or the carrier files a dataQ. The preferred way is to save the HOS log file to a folder on your computer which is option 1 below. If there is a dataQ then you could send that file to ODOT staff who can open it in their eRODS and see exactly what you saw.

Option 1 - Save HOS Log File

The Save HOS Log File action allows a user to save an ELD output file that is currently in the eRODS Web Service locally to your computer.

1. Open the ELD output file you want to save, select Save HOS Log File from the File menu located at the top left of the screen.

2. A screen will display a file save dialog where you can name and save the file to a selected folder. This allows you to view an ELD record at a later time directly from your machine. You will need to use eRODS to open and review this saved file.
Option 2 - Preserve HOS Log

eRODS allows users to mark files to be saved to support enforcement actions.

To save an ELD output file within the eRODS Web Service, select Preserve HOS Log from the File menu located at the top of the screen.

This action will save ELD output files submitted via any method beyond FMCSA’s ELD file retention policy. When files that are provided via USB and the Preserve HOS Log is selected, the ELD output file will be transferred to the eRODS Web Service the next time an internet connection is available.

The system will display a confirmation window that indicates your HOS log is saved. The file will be retained indefinitely. If the file was received via USB, the file will automatically be transferred to the eRODS Web Service the next time an internet connection is available.

You can access a preserved HOS file by selecting the Search for File option from the File menu and initiate an Advanced Search.
Option 3 - Export to PDF

The Export to PDF action allows a user to export an ELD output file from eRODS Web Service or a locally saved file as a PDF document. The PDF contains most, though not all, of the information contained in the ELD output file.

1. With the ELD output file you want to export, open and select Export to PDF from the File menu.

2. A screen will display a file save dialog where you can name and save the PDF to a selected folder. This allows you to view and print a PDF ELD record at any time directly from your machine without having to launch the eRODS software.

***WARNING***

ELD output files saved as a PDF can be very large, ensure you are printing only what you need.
6 Steps for ELD
6 Easy Steps to Reviewing an AOBRD or ELD

AOBRD and ELD

Step 1 – Check header for: Mileage, engine hours, unidentified driving and malfunctions.

Example Violation: No mileage, engine hours, intermittent locations every day, device most likely not synced. 395.8(a) violation for no log. To meet the definition of an ELD or AOBRD the device has to be connected to the vehicle. If the device isn’t connected it’s the same as using a paper log. Unless the driver meets an exemption (see ELD Exemptions) or there is a malfunction paper logs are not to be used.

Step 2 – Review Hours of Service: 11 hour driving, 14 hour on-duty, 60/70 hour rule and 30 minute rest breaks for violations. Check scale crossing and receipts.

Step 3 – Change of Duty Locations: Check locations going into sleeper/off duty and coming out.

Should be same location unless there is a co-driver or twin city.

Some drivers disconnect their log to gain hours. To find it check to see where they went into the sleeper/off duty and where they came out. If locations are different be sure there was no co-driver or they were located in a city like Eugene/Springfield where the device shows going off duty in Eugene and coming on duty in Springfield. Use 395.8(e) false log for these violations.

Step 4 – Improper use of Personal Conveyance: Furthering the load, bypassed safe parking locations to get closer to deliver/pick up locations. Switched to PC to gain additional drive time.

Personal conveyance (PC) is off duty driving. Drivers are allowed to use PC to get food, pay bills, lodging, and recreation. Some drivers utilize PC during an agriculture move, which is allowed since they are not required a log within 150 air miles of the source. The Feds allow them to use PC to go from the shipper or receiver to the nearest safe location. The nearest safe location needs to be within reason; however the Feds did not specify a distance. Bottom line the driver is not supposed to use PC to further his/her load or to extend their day. Use 395.8(e) false log for these violations. (see Personal Conveyance).

ELD/eRODS Only

Step 5 – Unidentified Driving: Driver failed to log into device, driver refused time, carrier failed to assign drive time to another driver.

When a device is plugged in, the driver is not logged in, and the vehicle moves it will record unidentified driving. In eRODS look for unidentified driving during the drivers route away from their own terminal. To gain hours drivers will not log into their device which will then show as unidentified driving. Be careful of unidentified driving near the drivers’ terminal where someone else like a mechanic or local driver might have moved the truck. Also, drivers who transport agriculture commodities will not log in since they are not required to have a log within 150 air miles from the source. Use 395.8(e) false log for these violations.

Step 6 – Mileage Jumps: Mileage jump would indicate that the device may have been unplugged.

Example: Driver unplugs in Portland traveled to Seattle and back to Portland. Plugged device back in in Portland. No location plugs, however, 260 miles mileage jump. You will only find these mileage jumps in eRODS. Use 395.8(e) false log for these violations.
Example Violations

395.8A – No Log book when required. (Paper or electronic)

395.8A – No ELD when required. (Driver does not meet any exemptions and is required an ELD)

395.8A – ELD unplugged/disconnected on 1/1/19, 1/3/19 and 1/5/19.

395.8A – ELD being operated in manual input mode for the last 4 days.

395.8E – False log ELD indicates odometer jump overnight between 1/1/19 and 1/2/19.

395.8E – False log 1/1/19 driver went into the sleeper berth in Portland, OR came out of the sleeper in Medford, OR.

395.8K2 – ELD was unable to produce logs for 1/1/19 through 1/5/19. Driver in possession of 1/6/19 – 1/8/19 only.
ELD Exemptions
ELD Exemptions

Drivers may use paper RODS, electronic logging apps or software when operating:

1. A CMV manufactured before model year 2000 as indicated by the VIN shown on the registration or a CMV equipped with an engine identified as older than 2000.
   **Note:** Glider kits consist newer bodies and older engines i.e. 2019 Peterbilt with a 1999 engine. This is not verified roadside, make a note on your inspection and accept the driver’s log in a format other than an ELD.

2. In a manner requiring RODS **not more than 8 days** in any 30 day period,

3. Drivers involved in driveaway-towaway operations where the vehicle being driven is part of the shipment being delivered.

4. Drivers involved in driveaway-towaway operations when the vehicle being transported is a motor-home or recreation vehicle trailer with at least one set of wheels on the road, may use paper logs.

5. Livestock (as defined in 49 CFR 395.2) and insect haulers are not required to comply with the ELD rule **UNTIL FURTHER NOTICE.**

6. Drivers of property-carrying commercial motor vehicles **rented** for eight days or less. Expires October 11, 2022.
   - Can not replace or renew rental agreement every 8 days to avoid ELD Rule.
   - Must have copy of Federal Register notice in vehicle.
   - Must have a copy of rental agreement in vehicle.
   - Must maintain records of duty status for current day and prior 7 days.
Personal Conveyance FAQ
Personal Conveyance FAQ

Personal conveyance (PC) is generally used for off duty driving. Drivers are allowed to use their trucks to do personal errands, get food, lodging, or participate in recreation activities and are allowed to do PC loaded or unloaded. The FMCSA expanded PC to allow drivers to use PC to go from a shipper or receiver (when out of hours) to find safe parking at the nearest safe location.

The FMCSA did not specify any distance criteria for finding the nearest safe location, however they did specify the driver is not allowed to pass safe locations to gain time in the direction of the next load or delivery. Drivers are allowed to move a CMV under the direction of an Officer using PC. Be sure to read the FAQ’s below.

PC and Agriculture – Drivers are exempt from a log book if they are hauling agriculture commodities (see Agriculture tab). The problem with ELD’s is they are always recording when hooked to the vehicle. According to FMCSA web site one of the options the driver has within the 150 air-mile exemption zone is to log the movement as PC.

For additional information refer to: https://www.fmcsa.dot.gov/hours-service/elds/eld-hours-service-hos-and-agriculture-exemptions.

1. **May a driver, who drops his or her last load at a receiver’s facility use personal conveyance to return to their normal work location (i.e. home or terminal?)**
   No. Returning home or to the terminal from a dispatched trip is a continuation of the trip, and therefore cannot be considered personal conveyance.

2. **The guidance allows for “authorized use of a CMV to travel home after working at an offsite location.” What is meant by the term “offsite” when used in this context?**
   The term refers to a location, other than a carrier’s terminal or a shipper’s or receiver’s facility, where a driver works for a temporary period for a particular job. Specifically, this term is intended for construction and utility companies that set up base camps near a major job and operate from there for days or weeks at a time. These remote locations are considered “offsite” locations. Therefore, travel between home and that offsite location is considered commuting time and qualifies as personal conveyance.

3. **Is personal conveyance treated any differently when the driver is hauling hazardous materials?**
   No. There is no restriction on personal conveyance regarding hazardous materials transportation, provided that the driver complies with provisions of 49 CFR parts 177 and 397.

4. **Can a driver who claims the short haul exception use personal conveyance?**
   Yes, there is no connection between personal conveyance and the short-haul exception. As always, off-duty time does not extend the 12-hour duty time limitation.

5. **How is personal conveyance time calculated in the hours-of-service rules?**
   Time spent under personal conveyance is off-duty time.
6. **May a driver use personal conveyance when they run out of available (driving/on-duty) hours?**
   No, except for the one exception described in the guidance where a driver who runs out of hours while at a shipper’s or receiver’s facility may drive from that facility to a nearby, safe location to park, provided that the driver allows adequate time to obtain rest in accordance with daily minimum off-duty periods under the Hours of Service rules before beginning to drive. Personal conveyance is those times where a driver is operating solely for a non-business purpose and cannot be used to extend the duty day.

7. **Are there maximum distance time or distance limits for the use of personal conveyance?**
   No. However, it is important to note that the provision in §392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while fatigued, continues to apply. Therefore, a driver must get adequate rest before returning to driving.

8. **If a driver picks up the commercial motor vehicle from a repair facility once repairs are complete, would the driver be allowed to use personal conveyance to their residence from the repair shop?**
   No, travel for repair and maintenance work is being done in the furtherance of the business and is considered on-duty time.

9. **Can a loaded vehicle be used as personal conveyance?**
   Yes. Determining personal conveyance is based on the nature of the movement, not whether the vehicle is laden.

10. **Can personal conveyance time be combined with other off-duty time to complete a 10 or 34-hour break?**
    Yes, since PC is off-duty time. However, it is important to note that the provision in 392.3 of the FMCSRs, prohibiting the operation of a commercial motor vehicle while ill or fatigued continues to apply.

11. **Can a driver be inspected during personal conveyance?**
    If so, what is the driver’s duty status during the inspection? Yes. Since the driver is still subject to the FMCSRs, the driver or vehicle can be inspected. The driver’s duty status would be “on-duty, not driving.” during the inspection.
Agriculture
Agriculture Exemption from a Log Book 395.1(k)

**Note:** Drivers transporting Agriculture products may at times not be subject to hours of service, however they are still subject to roadside inspection at all times.

395.1(k) exempts drivers from hours of service who engage in agricultural operations provided:

1. The operation takes place during planting season – (Oregon has determined that planting season begins January 1 of each year and ends December 31 of each year).

2. Agricultural commodity is exempt from the source to a location within a **150 air miles** from the source.

3. Farm supplies and equipment from a wholesale or retail distribution point are also exempt within **150 air miles**.

**No ELD or Log book is required in the exemption zone and there are no limits to driving within the exemption zone. However, the driver is not allowed to drive fatigued. If the driver looks tired and admits he is tired, write a 392.3 violation and place the driver out of service until no longer tired. Be sure to write an explanation in the notes section of ASPEN or put notes on your paper inspection.**

**ELD’s Required??**

When drivers are within the exemption zone (150 air miles from source) a log book is not required, which also means no ELD. However, once they leave the exemption zone they must have an ELD unless they meet one of the exemptions below.

- Livestock (anything that is living – Cattle, horses, poultry, insects and fish.
- Truck/engine older than model year 2000.
- Drivers who are not required a log book more than 8 times in any 30 day period.
- Intrastate carriers not hauling hazmat requiring placards (until further notice).

Most drivers have an ELD installed in their vehicle, which means when the truck is moving the ELD will record. Since the driver is not required to have a log in the 150 air mile agriculture exemption zone they will log the movement on their device as personal conveyance (off duty driving) or you will see the movement as unidentified driving because the driver did not sign it. Both these practices are acceptable since the driver wasn’t required a log. Best practice is, anything in the 150 air mile exemption zone is considered invisible, focus on the time outside the zone.

Additional information about [ELD Hours of Service (HOS) and Agriculture Exemptions](#) can be found online.
What can be the Source?

The source is the point at which an agricultural commodity is loaded onto an empty CMV. The source may be one of the following provided the commodity meets the Agriculture definition listed below:

- Farm, field or orchard.
- Intermediate storage away from the farm.
- Cold storage.
- Grain elevator.
- Livestock yard.
- Feed mills.

395.2 Agricultural commodity means:
(1) Any agricultural commodity, non-processed food, feed, fiber, or livestock as defined in this section.
(2) As used in this definition, the term “any agricultural commodity” means horticultural products at risk of perishing, or degrading in quality, during transport by commercial motor vehicle, including plants, sod, flowers, shrubs, ornamentals, seedlings, live trees, and Christmas trees.

The following are scenarios/examples that you could run into during a roadside inspection.

**Driver never leaves the exemption zone**

**Example 1** – Driver moves empty from Bend to pick up apples at a Hood River orchard, then takes the apples to Cold Storage in Portland, and returns empty to Bend. Driver never leaves the 150 air mile radius.

The apple orchard in Hood River is the “source” and therefore the center of the 150 air mile radius.

Driver is not required to have a log or an ELD. Driver is not limited in driving or on-duty time within the source’s 150 air mile radius, however is not allowed to drive the vehicle if fatigued (392.3).
HOS Exemption only applies to first pickup point if there are several pickups.

**Example 2** – Driver picks up ag loads in Hermiston, Hood River and Portland for delivery to Los Angeles, CA.

Hermiston is the first pickup point and would be the center of the 150 air mile radius. Even though driver picked up ag at other locations, the exemption only applies from the first pickup point. Driver would be exempt from HOS until leaving the 150 air mile radius.

**Example 3** – Driver picks up an ag product in Fresno and delivers to Portland, OR. After dropping that load, a new ag load is picked up in Portland for delivery to Fresno.

Driver is exempt from HOS within Fresno’s 150 air mile radius. The driver must then log hours until picking up the new load in Portland. Driver is then again exempt until leaving Portland’s 150 air mile radius.

*Blue arrow = no log required.*

*Green Arrow = Log Book Required.*
**Example 4** – Driver picks up an ag product in Fresno and delivers to Medford, OR. After dropping that load in Medford the driver is dispatched to Portland to pick up a new ag load.

Driver is exempt from HOS within Fresno’s 150 air mile radius. The driver must then log hours to Medford. After dropping the load in Medford (completely empty) the driver would continue to log hours until entering Portland’s 150 air mile radius.

**Example 5** – Driver picks potatoes up from a source in Hermiston, delivers them to Boise, and returns empty to Hermiston.

Driver is exempt from HOS until exiting Hermiston’s 150 air mile radius on the way to Boise. When returning to Hermiston, the driver is again exempt after crossing back into the original 150 air mile radius.

Blue arrow = no log required.

Green Arrow = Log Book Required.
**Example 6** – Driver moves empty from Hermiston to pick up seed potatoes in Boise and returns to Hermiston.

Driver is not exempt from HOS until crossing into Boise’s 150 air mile radius. Once in the radius, driver remains exempt until crossing back out of the radius on the return to Hermiston.

**Example 7** – Driver picks up potatoes from a source in Hermiston and delivers to Boise. Driver then drives empty to pick up a new load of potatoes in Baker City (new source) and returns to Boise for delivery.

Driver is exempt from HOS until leaving Hermiston’s 150 air mile radius on the way to Boise.

During the Baker City run, driver is exempt in both directions because Boise is within Baker City’s 150 air mile radius. Baker City is the new source.
**Example 8** – Driver picks up heads of lettuce in Salinas and drives to Castroville to take on an additional load of Televisions.

Driver is only exempt from HOS between the source in Salinas and Castroville, CA. Once the Televisions are added to the load in Castroville, all HOS apply because the non-ag commodity nullifies the exemption..

Driver is only exempt from HOS between the source in Salinas and Castroville, CA. Once the chopped salad is added to the load in Castroville, all HOS apply because the non-ag commodity nullifies the exemption.

**Blue arrow = no log required.**

**Green Arrow = Log Book Required.**

For more information check out the

**FMCSA’s Agricultural web page**

https://www.fmcsa.dot.gov/hours-service/elds/agricultural-commodity
Air Mile Radius

Look up air mile radius using PC Miler.
Specific Oregon Laws Relative to Commercial Driver/Vehicles for Roadside Inspections

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INVESTIGATORY POWERS
AND ENFORCEMENT

PENALTIES

ORS
APPLICABILITY
Investigatory Powers and Enforcement

**810.560 Certification and training of commercial vehicle inspectors.** Before an enforcement official may conduct inspections of commercial vehicles, drivers or cargoes for purposes of enforcing rules adopted under ORS 825.252 and 825.258, the official shall be trained and certified as a commercial vehicle inspector by the Department of Transportation.

**810.500 Stopping and testing vehicles for equipment violations.** (1) A police officer may require the driver of a vehicle or combination of vehicles to stop the vehicle or combination and submit to tests by the officer as may be appropriate to determine if the vehicle or combination:

(a) Is being driven or moved on any street or highway without having equipment required by the vehicle code or without the equipment in proper condition and adjustment as required by the vehicle code; or

(b) Is in such unsafe condition as to endanger any person.

(2) A police officer must have reasonable cause to require that a vehicle or combination be stopped and submitted to tests under this section.

**810.510 State police inspection for mechanical condition and equipment.** (1) A state police officer may require a person driving a vehicle or combination of vehicles on a street or highway to stop and submit the vehicle or combination to an inspection of the mechanical condition and equipment thereof at any location where members of the Oregon State Police are conducting tests and inspections of vehicles and when signs are displayed requiring such stop.

(2) If a vehicle inspected under this section is found to be in violation of any provision of the vehicle code, the police officer may issue a vehicle repair warning described under ORS 810.520 to the driver. The officer may, in lieu of the issuance of the vehicle repair warning or in combination therewith, issue a citation or written warning for the violation.

**825.210 Regulation of motor vehicles.** The Department of Transportation may:

(1) Require the weighing of motor vehicles loaded and empty at reasonably frequent intervals;

(2) Inspect and require proper equipment and markings of motor vehicles and insure the making of necessary repairs, to promote efficient and safe operation; and

(3) Prescribe the character of appliances to be used on motor vehicles to establish correct mileage traveled by such vehicles and require the installation and proper repair and inspection of such appliances.

**825.250 Stop for inspection.** (1) An authorized representative of the Department of Transportation may require a person driving a vehicle or combination of vehicles subject to regulation by the department on a street or highway to stop and submit to an inspection of the driver, the cargo or the vehicle or combination of vehicles at any location where representatives of the department are conducting tests and inspections when signs are displayed requiring such stop.

(2) As used in this section, “authorized representative” means a city, county or state employee who has been trained and certified by the department as a commercial vehicle inspector and who is employed either by the department or by an agency that has an agreement with the department to provide inspections of commercial vehicles, drivers, general cargo or hazardous materials.
Penalties

825.990 Criminal penalties. (2) Knowingly violating an out-of-service notice issued under authority of the Department of Transportation is a Class A misdemeanor.

825.955 Civil penalty for violation of out-of-service notice or driver equipment compliance form provisions; rules. (1) In addition to any other penalties provided by law, the Department of Transportation may impose a civil penalty of not more than $1,000 for:

(a) Violation of the provisions of an out-of-service notice issued by the department or its authorized representative in conjunction with a safety inspection;

(b) Submittal of a false certification to the department on a driver equipment compliance check form; or

(c) Failure by a motor carrier to return to the department as required by rule a driver equipment compliance check form.

ORS Applicability

825.017 Nonapplicability of chapter to certain persons and vehicles. Except as provided in ORS 825.026 and 825.030, this chapter does not apply to the persons or vehicles described in this section. The exemption under this section applies to the following persons and vehicles:

(1) Vehicles being used by, or under contract with, any school board, district or person responsible for the administration of elementary or secondary school activities, and engaged exclusively in transporting students or combinations of students and other persons to or from school, to or from authorized school activities or other activities sponsored by the State Board of Higher Education, or for purposes provided under ORS 332.427. This exemption shall not be affected by the charging of a fee to cover the costs of the transportation.

(2) Vehicles being used in a taxicab operation if the vehicle:

(a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

(b) Carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time; and

(c) Is transporting persons or property, or both, between points in Oregon.

(3) Vehicles being used for the transportation of property by private carrier by means of a single vehicle or combination of vehicles with a combined weight that does not exceed 8,000 pounds.

(4) Vehicles being used in operating implements of husbandry.

(5) Vehicles being used as a hearse or ambulance.

(6) Vehicles being used over any private road or thoroughfare.

(7) Vehicles being used on any road, thoroughfare or property, other than a state highway, county road or city street, for the removal of forest products as defined in ORS 321.005, or the product of forest products converted to a form other than logs at or near the harvesting site, or when used for the construction or maintenance of the road, thoroughfare or property, pursuant to a written agreement or permit authorizing the use, construction or maintenance of the road, thoroughfare or property, with:
(a) An agency of the United States;

(b) The State Board of Forestry;

(c) The State Forester; or

(d) A licensee of an agency named in this subsection.

(8) Vehicles being used on any county road for the removal of forest products as defined in ORS 321.005, or the products of forest products converted to a form other than logs at or near the harvesting site, if:

(a) The use is pursuant to a written agreement entered into with the State Board of Forestry, the State Forester or an agency of the United States, authorizing the owner of the motor vehicle to use the road and requiring the owner to pay for or to perform the construction or maintenance of the county road, including any operator of a motor vehicle retained to transport logs, poles and piling for the owners who are exempt under this section;

(b) The board, officer or agency that entered into the agreement or granted the permit, by contract with the county court or board of county commissioners, has assumed the responsibility for the construction or maintenance of the county road; and

(c) Copies of the agreements or permits required by this subsection are filed with the Director of Transportation.

(9) Vehicles being used in the transportation of persons for hire if the operation:

(a) Is performed by a nonprofit entity;

(b) Is not in competition with a regular route full-service scheduled carrier of persons that is subject to the provisions of this chapter or a service provided by a mass transit district formed under ORS chapter 267;

(c) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and

(d) Is approved by the Department of Transportation as complying with paragraphs (a) to (c) of this subsection.

(10) Vehicles being used in transporting persons with disabilities, with or without their supervisors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption provided by this subsection applies only when the motor vehicle is operated by or under contract with any person responsible for the administration of rehabilitation facilities as defined in ORS 344.710 to 344.730 or child care services provided by a facility licensed under ORS 657A.030 and 657A.250 to 657A.450.

(11) Vehicles owned or operated by the United States or by any governmental jurisdiction within the United States except when owned or operated as a carrier of property for hire.

(12) Vehicles owned or operated by a mass transit district created under ORS chapter 267.

(13) Vehicles owned or operated by, or under contract with, a person responsible for the construction or reconstruction of a highway under contract with the Department of Transportation or with an agency of the United States when operated within the immediate construction project as described in the governmental agency contract during the construction period.
(14) Vehicles owned or operated by, or under contract with, a charitable organization when exclusively engaged in performing transportation, either one way or round trip, necessary to the operation of the charitable organization. As used in this subsection, “charitable organization” means an organization that has no capital stock and no provision for making dividends or profits, but derives its funds principally from public and private charity and holds them in trust for the promotion of the welfare of others and not for profit. Any organization claiming an exemption under this subsection shall file an affidavit with the department stating that it is organized and operated in accordance with the requirements of this subsection.

(15) Vehicles with a maximum speed that does not exceed 35 miles per hour that are designed for offroad use and that are operated on the public highways in any one calendar year a number of miles that does not exceed 15 percent of the total number of miles the vehicle is operated for that calendar year.

(16) Passenger vehicles with a passenger seating capacity that does not exceed five when used in the transportation of new telephone books.

(17) A vehicle that is used in a limousine service operation in which the destination and route traveled may be controlled by the passenger and the fare is calculated on the basis of any combination of initial fee, distance traveled and waiting time if the vehicle:

(a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;

(b) Carries passengers for hire between points in Oregon; and

(c) Operates on an irregular route basis.

(18) Fire trucks and rescue vehicles that are designated as emergency vehicles by the Department of Transportation under ORS 801.260, while involved in emergency and related operations.

825.020 Applicability of chapter to certain vehicles and combinations over 26,000 pounds. Except as otherwise provided in this section and ORS 825.030, this chapter does not apply to the persons or vehicles described in this section. The provisions of ORS 825.100, 825.137, 825.139, 825.141, 825.160, 825.164, 825.166, 825.168, 825.210 (1) and (3), 825.212, 825.450, 825.454, 825.470, 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496, 825.498, 825.504, 825.506, 825.507, 825.508 and 825.515 apply to any of the following vehicles or combinations of vehicles with a combined weight of more than 26,000 pounds:

(1) Vehicles being used exclusively in the transportation of United States mail on a trip basis.

(2) Vehicles being used in the transportation of persons for hire, in vehicles with a seating capacity of more than five persons, within a city and within three air miles of the city. When the three air mile radius extends into the corporate limits of another city, the two cities shall be considered as one city for the purposes of this subsection. The following apply to this subsection:

(a) Service may also be provided to or from any area surrounding the area described under this subsection so long as the service does not compete with a carrier granted authority by the Department of Transportation under this chapter to operate in that surrounding area.

(b) Any vehicle exempt from the provisions of this chapter under this subsection is subject to regulation by the city or cities in which it is operated.

(3) Vehicles being used for the purpose of transporting persons or property in connection with the patrolling of forests for the prevention or fighting of forest fires.
(4) Vehicles being used in towing or otherwise transporting vehicles at the direction of a police officer or in servicing, towing or transporting wrecked or disabled vehicles, or in towing or transporting a replacement vehicle for such wrecked or disabled vehicle if the vehicle:

(a) Is not otherwise used in transporting goods and merchandise for compensation; and

(b) In the case of towing, is specially constructed for that use or has a combined weight not exceeding 8,000 pounds.

(5) Vehicles being used by a for-hire carrier to transport within this state free or at reduced rates:

(a) The carrier’s officers, agents or employees, or dependent members of the families of those individuals, or the personal effects or household goods of those individuals.

(b) Ministers of religions, inmates of hospitals and individuals exclusively engaged in charitable and eleemosynary work.

(c) Indigent, destitute and homeless individuals and the necessary agents employed in the transportation.

(d) Witnesses attending legal investigations in which the carrier is interested.

(e) Persons injured in wrecks and physicians and nurses attending those persons.

(f) Persons providing relief in cases of general epidemic, pestilence or other emergency.

(g) Persons traveling under commuter, party or excursion passenger tickets, if available to all persons applying under like circumstances or conditions.

(h) Persons traveling under an exchange of passes between for-hire carriers.

(6) Vehicles being used to transport plants, artificial and natural flowers and accompanying florist accessories in movements originating at retail shops.

(7) Any vehicle used by a person licensed under ORS 508.235 while the person is transporting the person’s own, unsold catch of fish from the point of landing to the first point where fish from the catch will be sold, placed in storage or processed in any way.

(8) Vehicles owned or operated by truck leasing companies operated empty over the public highways for the purpose of relocation of equipment. This exemption does not apply to motor vehicles operated empty as a result of or for the purpose of transporting passengers or property.

825.030. Application of chapter to interstate and foreign commerce. This chapter applies to interstate and foreign commerce, except insofar as it may be in conflict with the provisions of the Constitution and the laws of the United States. Nothing in this chapter exempts a person from federal motor carrier safety regulations when operating in interstate or foreign commerce.
OREGON

ADMINISTRATIVE

RULES
OREGON ADMINISTRATIVE RULE
DIVISION 100
VEHICLES: DRIVER: EQUIPMENT: EQUIPMENT REQUIRED AND CONDITION OF VEHICLES

740-100-0010
Adoption of Federal Safety Regulations

(1) Except as provided in section (4) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver’s License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards) and all amendments thereto in effect April 1, 2014, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 825.

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 825, except:

(a) Relating to Part 385:

(A) The provisions of Part 385.1(b), 385.13(b), 385.13(c), 385.13(d)(3), 385.301 through 385.337 and Appendix A to Part 385 do not apply to a motor carrier operating exclusively in intrastate commerce.

(B) With reference to Part 385.13(a), 385.19(c) and 385.19(d), current intrastate safety rating information is available from ODOT only by telephone at (503) 378-6963.

(C) With reference to Part 385.15 and 385.17, requests for administrative review of an intrastate safety rating or requests for a change to a proposed or final intrastate safety rating based on corrective actions must be submitted in writing to the ODOT Motor Carrier Transportation Division, 3930 Fairview Industrial Drive SE, Salem OR 97302.

(D) With reference to Appendix B of Part 385, a final intrastate safety rating will be determined by the Department and the motor carrier to whom the rating applies will be notified in writing of its intrastate safety rating.

(E) In addition to the violations described in the List of Acute and Critical Violations in Appendix B of Part 385, the Department will include the following violations in a determination of an intrastate or an interstate safety rating:

(i) Financial responsibility requirements in OAR 740-040-0010 (critical) and 740-040-0020 (acute); and

(ii) Intrastate drivers hours-of-service requirements found in OAR 740-100-0010(2)(i) (critical).

(b) The provisions of Part 387 will apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes.
(c) With reference to Part 390.21, external identification requirements do not apply to vehicles operated exclusively in intrastate private carriage provided that neither the gross vehicle weight, the gross vehicle weight rating, the gross combination weight or the gross combination weight rating exceeds 26,000 pounds, except those vehicles transporting hazardous materials of a type or quantity requiring placarding or passenger vehicles designed or used to transport more than 15 passengers including the driver.

(d) The rules in Part 391.11(b)(1) regarding the minimum age for a commercial motor vehicle operator do not apply to a driver engaged in intrastate commerce. A driver engaged in intrastate commerce must be at least 18 years old.

(e) The rules in Part 391 (except Part 391.11(b)(2), English Speaking Driver, Part 391.11(b)(5), Valid Operator’s License and Part 391.15, Disqualification of Drivers) do not apply to a driver who is employed by a private carrier and:

(A) Does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823, and drives a motor vehicle with a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating of 26,000 pounds or less; or

(B) Operates a passenger vehicle designed or used to transport fewer than 16 passengers, including the driver.

(f) Notwithstanding Parts 391.41 to 391.49 (Subpart E - Physical Qualifications and Examinations) the Department may issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Driver and Motor Vehicle Services Division.

(g) With reference to Part 395.1(e)(1), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to exceed 12 hours driving following ten consecutive hours off-duty;

(h) With reference to Part 395.1(g), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(i) With reference to Part 395.1(e)(2) and Part 395.3, a motor carrier conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week, however, any period of seven consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours which must include two periods from 1 a.m. to 5 a.m. and may only be used once per week; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week, however, any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours which must include two periods from 1 a.m. to 5 a.m. and may only be used once per week.

(j) The provisions of subsections (g) through (i) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding. A motor carrier transporting hazardous materials of a type or quantity requiring placarding must comply with Part 395.
(3) The provisions of Part 386.83(a)(1) and Part 386.84(a)(1), related to sanctions for failure to pay civil monetary penalties are adopted for operations conducted in intrastate commerce and apply to penalties and sanctions found in ORS Chapter 825, pursuant to the provisions of ORS Chapter 183.

(4) The intricacy operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(5) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to “Federal Highway Administrator,” “Regional Director,” “Special Agent of the Federal Highway Administration” or the “Federal Motor Carrier Safety Administration,” it will be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(6) Copies of the federal regulations referred to in this rule are available from ODOT Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stats. Implemented: ORS 825.210, 825.250 7 825.252
Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 4-1979, f. & ef. 9-21-79 (Order No. 79-641); PUC 5-1979, f. & ef. 9-21-79 (Order No. 79-635); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Part 2, f. & ef. 6-30-80 (Order No. 80-475); PUC 7-1980, f. & ef. 11-6-80 (Order No. 80-845); Renumbered from 860-035-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 12-1982(Temp), f. 12-20-82, ef. 1-1-83 (Order No. 82-872); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 2-1983, f. & ef. 3-1-83 (Order No. 83-117); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 19-1984, f. & ef. 9-10-84 (Order No. 84-713); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 17-1986 (Temp), f. & ef. 12-3-86; (Order No. 86-1239); PUC 2-1987 (Temp), f. & ef. 2-25-87 (Order No. 87-248); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-509); PUC 16-1987(Temp), f. & ef. 12-11-87 (Order No. 87-1244); PUC 4-1988(Temp), f. & cert. ef. 2-12-88 (Order No. 88-161); PUC 6-1988(Temp), f. & cert. ef. 3-9-88 (Order No. 88-818); PUC 14-1988, f. & cert. ef. 7-22-88 (Order No. 88-245); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91) (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 13-1992(Temp), f. & cert. ef. 9-4-92 (Order No. 92-1303); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-963 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0010; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCT 2-1997, f. & cert. ef. 5-9-97; MCT 6-1997, f. & cert. ef. 8-26-97; MCT 10-1997, f. & cert. ef. 12-22-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 2-1998, f. & cert. ef. 8-20-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 5-2005(Temp), f. 9-16-05, cert. ef. 10-1-05 thru 3-29-06; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 3-2011, f. & cert. ef. 10-26-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 5-2012, f. & cert. ef. 5-18-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14
(1) The Department may certify an individual as a commercial vehicle inspector pursuant to ORS 810.560 if the individual:

(a) Is an employee of the Department and:

(A) Successfully completes a commercial vehicle safety inspector training program administered by the Department; and

(B) Performs the minimum number of North American Standard safety inspections as prescribed by the Commercial Vehicle Safety Alliance; or

(b) Is employed by an Executive Branch agency of state government, or is employed by an agency or party under contract with the Department to conduct commercial vehicle inspections and:

(A) Successfully completes a commercial vehicle safety inspector training program administered by the Department;

(B) Performs the minimum number of North American Standard safety inspections as prescribed by the Commercial Vehicle Safety Alliance; and

(C) Has disclosed to the Department any pecuniary interest in, or current employment relationship with, a regulated motor carrier, and if requested by the Department, has divested of any such pecuniary interest or severed any such employment relationship.

(2) A commercial vehicle inspector certification may be revoked by the Department if Department records or investigation indicates that the inspector:

(a) No longer meets the criteria established in section (1) of this rule;

(b) Has repeatedly failed, without adequate reason, to maintain annual equipment or driver out-of-service rates that are reasonably consistent with, or exceed, Oregon out-of-service averages;

(c) Has failed to adhere to the Commercial Vehicle Safety Plan published by the Department; or

(d) Has committed malfeasance in the performance of official duties.

(3) A commercial vehicle inspector who has had their certification revoked, may be re-certified only after Department approval.

Stats. Implemented: ORS 810.560, 825.210 & 825.250
Hist.: MCTD 1-2004, f. & cert. ef. 1-15-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 3-2010, f. & cert. ef. 7-30-10
740-100-0020
Motor Carrier Accident Notification and Reporting

(1) Definition of Reportable Accident: The term “reportable accident” means an occurrence, involving a commercial motor vehicle operated on public highways by a motor carrier subject to the provisions of ORS Chapter 825, resulting in:

(a) Fatality: The death of a human being at the scene or within 30 days as a result of the accident;

(b) Injury: A person injured as a result of the accident, and transported from the scene for medical treatment; or

(c) Towaway: Vehicles disabled as a result of the accident, and towed from the scene, or assisted in order to proceed under their own power.

(2) Immediate Notification of Fatal Accidents:

(a) When a reportable accident involves the death of one or more persons, the motor carrier will notify ODOT within 24 hours of the time they learned of the fatality.

Notification should be made by telephone (503) 986-3507, or by fax (503) 986-4249, and must include the information in subsection (b) of this section.

(b) The notification required by subsection (a) of this section must include the most reliable information available to the motor carrier on the following subjects:

(A) Date and time of the accident;

(B) Location of the accident;

(C) Name of each carrier involved;

(D) Number of persons killed;

(E) Brief description of the accident; and

(F) Name and telephone number of the person reporting.

(3) Reporting of Accidents:

(a) Within 30 days after the date of a reportable accident, the motor carrier must submit the completed original of ODOT Form 735-9229 (Motor Carrier Crash Report) with Form 735-32 “Oregon Traffic Accident and Insurance Report” to the ODOT DMV Accident Reporting Unit, 1905 Lana Ave. NE, Salem OR 97314.

(b) The motor carrier must fill in the form completely and accurately with the most reliable information available to the carrier at the time the report is submitted.

(c) ODOT Form 735-9229 is attached to Form 735-32 “Oregon Traffic Accident and Insurance Report,” available at DMV offices statewide or by phone at 503-945-5098.

Stat. Auth.: ORS 823.011 & 825.252
Stats. Implemented: ORS 825.252
Hist.: PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0012; MCT 5-1997, f. & cert. ef. 8-26-97; MCTB 5-2000, f. & cert. ef. 9-21-00; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2011, f. & cert. ef. 5-27-11
740-100-0030
Mileage Registering Devices

All motor carriers must equip their motor vehicles with an odometer or other satisfactory device to record accurately the cumulative mileage traveled by the vehicle. Such device must be kept constantly in good operating order, may not be a device designed to be reset to zero, and may not be adjustable by the operator of the vehicle. Additional devices for recording trip mileage are allowed, but not in lieu of the requirements stated above.

Stats. Implemented: ORS 825.210, 825.252 & 825.474
Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-035-0015; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0015; MCTD 3-2008, f. & cert. ef. 7-23-08

740-100-0040
Chains/Traction Devices

All motor carriers are required to carry and use chains and traction tires as provided in OAR chapter 734 division 17 rules.

Stat. Auth.: ORS 823.011 & 825.252
Stats. Implemented: ORS 815.140
Hist.: PUC 17-1986(Temp), f. & ef. 12-3-86 (Order No. 86-1239); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-1509); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0020; MCTB 5-2000, f. & cert. ef. 9-21-00

740-100-0060
Operation of Motor Vehicles, Out-of-Service Conditions Prohibited

(1) No motor carrier shall permit or require any person to operate nor shall any person operate a motor vehicle over the public highways of the State of Oregon unless the vehicle is free from each defect listed in OAR 740-100-0070. (North American Standard Vehicle Out-of-Service Criteria.)

(2) In addition to the requirements of section (1) of this rule, no motor carrier shall permit or require the operation of a motor vehicle nor shall any driver operate a motor vehicle transporting hazardous materials unless the vehicle is free from each defect listed in OAR 740-100-0080. (North American Standard Hazardous Materials Out-of-Service Criteria.)

(3) Except as provided in section (6) of this rule, in addition to the requirements of sections (1), (2) and (4) of this rule, no motor carrier shall permit or require the operation of a motor vehicle nor shall any driver operate a motor vehicle in violation of OAR 740-100-0090. (North American Standard Driver Out-of-Service Criteria.)

(4) In addition to the requirements of section (1) of this rule, no motor carrier shall permit or require the operation of a motor vehicle nor shall any driver operate a motor vehicle transporting transuranic waste and highway route controlled quantities of radioactive material as defined in 49 CFR 173.403 unless the vehicle is free from each defect listed in OAR 740-100-0085. (North American Standard Out-of-Service Criteria for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material.)

(5) In addition to the requirements of section (1) of this rule, no motor carrier shall permit or require the operation of a motor vehicle nor shall any driver operate a motor vehicle that has been placed out-of-service for administrative violations adopted in OAR 740-100-0065 until the violation(s) are corrected.
(6) No motor carrier engaged in intrastate transportation shall permit or require the operation of a motor vehicle nor shall any driver operate a motor vehicle in violation of intrastate hours-of-service limits found in OAR 740-100-0010(2) (9) through 0) or rules regarding an intrastate driver operating with a Waiver of Physical Disqualification issued under OAR 735-063-0070.

(7) Each defect which exists in each applicable standard shall be deemed a separate and distinct violation of this rule.

Stats. Implemented: ORS 825.210 & 825.252
Hist.: PUC 1-1987(Temp), f. & ef. 1-5-87 (Order No. 87-006); PUC 3-1987, f. & e f. 3-24-87 (Order No. 87-359); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1990, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0028; MCT 2-1997, f. & cert. ef. 5-9-97; MCTD 6-2003, f. & cert. ef. 1-1-04; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f.3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10

740-100-0065
North American Standard Administrative Out-of-Service Criteria

(1) The North American Standard Administrative Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2014, is adopted and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as “Out-of-Service” must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted to a safe location only at the direction of an official authority.

(2) Copies of the North American Standard Administrative Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stats. Implemented: ORS 825.210 & 825.252
Hist.: MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 5-2012, f. & cert. ef. 5-18-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14

740-100-0070
North American Standard Vehicle Out-of-Service Criteria

(1) The North American Standard Vehicle Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2014, is adopted by and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or more of the following:

(a) Out-of-Service Condition: When any motor vehicle by reason of its mechanical condition or loading, is determined to be so unsafe as to likely cause an accident or breakdown or when such conditions would likely contribute to loss of control of the vehicle by the driver, said vehicle must be placed out-of-service. No motor carrier shall permit or require nor shall any person operate any motor vehicle declared and marked “out-of-service” until all required repairs of violations which resulted in the out-of-service condition have been completed. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted only at the direction of an official authority.

(b) Other: Violations other than out-of-service conditions detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to redispacht.
(2) Copies of the North American Standard Vehicle Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stats. Implemented: ORS 825.250 & 825.252  
Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-372); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0030; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014 , f. & cert. ef. 4-23-14  

740-100-0090  
North American Standard Driver Out-of-Service Criteria

(1) Except for any content that conflicts with requirements of section (2) of this rule, the North American Standard Driver Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2014, is adopted and incorporated by reference. Inspection violations identified in the Out-of-Service Criteria may be subject to one or both of the following:

(a) Out-of-Service Violation: Drivers with violations under this category must not operate a commercial motor vehicle for a specified period of time or for some violations until a required condition is met.

(b) Other: Violations other than out-of-service violations require no immediate action by the driver or motor carrier. The carrier must certify in accordance with the terms contained on the inspection document and return it to the Department of Transportation within 15 days.

(2) Drivers found to be disqualified in this state or any other jurisdiction, as specified in 49 CFR 391.15 will be placed Out-of-Service until re-qualification is established.

(3) Copies of the North American Standard Driver Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.
740-100-0100
Maximum Fine Schedule

(1) The Maximum Fine Schedule, published by the Commercial Vehicle Safety Alliance revised February 2011, is adopted and incorporated in this rule.

(2) Except as provided in sections (3) and (4) of this rule, the penalty for the Groups described in the Maximum Fine Schedule will have the same presumptive fine as traffic violation categories established in ORS 153.018. The corresponding Maximum Fine Schedule Groups to traffic violation categories specified in ORS 153.012 are as follows:

(a) Maximum Fine Schedule Group 1 is equal to a Class A traffic violation.

(b) Maximum Fine Schedule Group 2 is equal to a Class B traffic violation.

(c) Maximum Fine Schedule Group 3 is equal to a Class C traffic violation.

(3) Violations of OAR 740-100-0040 related to failure to carry traction devices will have a presumptive fine amount equal to a Class C traffic violation fine.

(4) Except as provided in section (3) of this rule, violations of commercial motor carrier safety regulations found in OAR 740-100, 740-0105 and 740-100-0110, not specifically addressed in the Maximum Fine Schedule will carry a presumptive fine equal to a Class C traffic violation.


Stats. Implemented: ORS 153.012, 153.015, 153.018, 825.252, & 825.990
Hist.: PUC 4-1995, f. & ef. 6-19-95 (Order No. 95-517); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-065-0050; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 4-1999(Temp), f. 12-21-99, cert. ef. 1-1-00 thru 6-28-00; MCTB 2-2000, f. & cert. ef. 4-28-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 6-2011, f. 12-22’11, cert. ef. 1-1-12

740-100-0110
Commercial Vehicle Safety Inspection Decal

The issuance, distribution, or display of safety decals other than by authorized persons is prohibited.

Stat. Auth.: ORS 183, ORS 823 & ORS 825
Stats. Implemented: Commission policy per CVSA
Hist.: PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 20-1990, f. & cert. ef. 12-31-90 (Order No. 90-1921); Renumbered from 860-064-0011, MCT 3-1996, f. & cert. ef. 3-14-96
Accident Reporting
CMV Accident Reporting Flow Chart

Is the vehicle a CMV per CFR 390.5?

Yes

No report is required

No

Did the accident involve a fatality, injury treated away from scene, or vehicle towed due to damage?

Yes

Did the accident involve a fatality or is there evidence that the driver or truck should not have been on the road?

No

Fill out the Oregon Police Traffic Crash Report, Truck/Bus/Hazmat crash supplemental report, and complete level I or II inspection.

Yes

If you are OSP, call your local reconstruction team member for further guidance. For all other agencies, if you need assistance from ODOT follow the guidance on the last page of this document.

Notes:

• If you are doing a crash inspection and you have questions or need someone to assist with looking at the log book, call Paula Hartland or Abe Dunivin. If the driver transfers the logs via Web Services, we can look at them from our computer.

• You can list multiple crash items under one violation if they are similar components all related to the crash. i.e. 396.3a1 - Complete left front drivers side damaged because of crash.
Oregon statutes [ORS 810.460](https://www.oregonlegislature.gov/billsľresolves) require police reporting of crashes, tabulation, analysis and publication of traffic crash statistics by the Oregon Department of Transportation (ODOT).

Police reports of traffic crashes are the foundation of traffic crash data in Oregon as well as the United States. Crash prevention, traffic enforcement and other traffic safety programs depend on accurate collection and consistent reporting of traffic crashes by law enforcement officers.

Driver and Motor Vehicle Services (DMV) uses information from the [Oregon Police Traffic Crash Report](https://www.oregon.gov/ODOT/Safety/Documents/policecrash46A.pdf) to proceed with suspension action on drivers who are involved in a reportable crash and fail to file an Oregon Traffic Accident and Insurance Report, or are in an uninsured accident. The Oregon Police Traffic Crash Report is also used in determining whether to suspend a driver who caused or contributed to a fatal crash.

ODOT Transportation Development’s Crash Analysis and Reporting (CAR) Unit relies on the accuracy and completeness of information it collects from police reports. Once collected, this information is assembled into sensible, statistical data and annual traffic crash publications for local government agencies, private firms and the public. ODOT Transportation Safety Division uses the data to publish statistical reports that are utilized to allocate safety grants and develop safety policies and laws.

Oregon Police Traffic Crash Report forms are available in paper version from the ODOT Storeroom. [Storeroom order forms](https://www.oregon.gov/ODOT/Safety/Documents/policecrash46A.pdf) are available online or can be ordered by:

- Faxing your request to 503-986-2801.
- Mailing your order to:
  
  ODOT Storeroom
  
  455 Airport Road SE, Building K
  
  Salem OR 97301

“Fill and Save” PDF versions of the crash reports are available at:


POLICE TRUCK / BUS / HAZMAT CRASH SUPPLEMENTAL*

Complete this form if one or more qualifying vehicles was involved. Check at least one box in Category 1 and 2 listed below.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>FATAL</th>
<th>INJURY</th>
<th>VEHICLE TOWED</th>
<th>CATEGORY 2</th>
<th>8 OR MORE SEATS</th>
<th>10,001 LBS OR MORE</th>
<th>ANY VEHICLE DISPLAYING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>HAZARDOUS MATERIAL PLACARD</td>
</tr>
</tbody>
</table>

POLICE INCIDENT / CASE NUMBER  | CRASH DATE  | DAY OF WEEK | CRASH TIME | ROAD ON WHICH CRASH OCCURRED |
|-------------------------------|-------------|-------------|------------|-----------------------------|

BRIEF NARRATIVE:

---

VEHICLE INFORMATION

<table>
<thead>
<tr>
<th>BASE PLATE NUMBER</th>
<th>OR DOT PLATE NUMBER</th>
</tr>
</thead>
</table>

GROSS VEHICLE WEIGHT RATING or GROSS COMBINATION WEIGHT RATING

- [ ] 10,000 LBS or LESS
- [ ] 10,001 LBS to 26,000 LBS
- [ ] GREATER THAN 26,000 LBS

Did vehicle have a HAZARDOUS MATERIAL placard? 1. Yes 2. No

If "Yes," enter name or 4 digit number from placard number or box (CODE #32)

Enter 1 Digit Number from bottom of diamond:

Was hazardous material (cargo) released from this vehicle? 1. Yes 2. No

Was inspection done on this vehicle? 1. Yes 2. No

Inspection Number

SEQUENCE OF EVENTS (for this vehicle)

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>CROSS MEDIAN / CENTERLINE</td>
<td>COLLISION INVOLVING WORK ZONE MAINT. EQUIP</td>
<td>CRASH INVOLVING MOTOR VEHICLE IN TRANSPORT</td>
<td>CRASH INVOLVING PARKED MOTOR VEHICLE</td>
</tr>
<tr>
<td>NON-COLLISION: EQUIPMENT FAILURE (TIRE, ETC)</td>
<td>CRASH INVOLVING TRAIN</td>
<td>CRASH INVOLVING PEDAL CYCLE</td>
<td>RAN OFF ROAD</td>
</tr>
<tr>
<td>CRASH INVOLVING JACKNIFE / SKID</td>
<td>CRASH INVOLVING ANIMAL</td>
<td>CRASH INVOLVING FIXED OBJECT</td>
<td>NON-COLLISION: OTHER</td>
</tr>
<tr>
<td>CRASH INVOLVING OTHER OBJECT</td>
<td>DOWNHILL RUNAWAY</td>
<td>EXPLOSION OR FIRE</td>
<td>NON-COLLISION: OTHER</td>
</tr>
<tr>
<td>SEPARATION OF UNITS</td>
<td>CRASH INVOLVING PEDESTRIAN</td>
<td>CRASH INVOLVING MOVABLE OBJECT</td>
<td>OTHER</td>
</tr>
</tbody>
</table>

Select Appropriate

- [ ] 1
- [ ] 2
- [ ] 3
- [ ] 4
- [ ] 5
- [ ] 6a
- [ ] 6b
- [ ] 7
- [ ] 8
- [ ] 9
- [ ] 10a
- [ ] 10b
- [ ] 10c
- [ ] 11a
- [ ] 11b

VEHICLE CONFIGURATION

- [ ] Triples (tractor with 3 trailers)
- [ ] Triples (truck with 2 trailers)
- [ ] Doubles (any)
- [ ] Straight Truck-Full Trailer
- [ ] Standard Tractor/Semi Trailer
- [ ] Single Truck
- [ ] Bobtail
- [ ] Saddlemount
- [ ] Heavy Haul

CARRIER INFORMATION

MARK ALL THAT APPLY.

- [ ] INTERSTATE
- [ ] INTRASTATE
- [ ] NOT IN COMMERCY - GOVERNMENT (TRUCKS / BUSES)
- [ ] NOT IN COMMERCY - OTHER (OVER 10,000 LBS)

NAME

ADDRESS (Street or PO Box Number)

CITY

STATE ZIP CODE

IDENTIFICATION NUMBERS None = 0

US DOT [ ]

MC / MX [ ]

DRIVER INFORMATION

NAME (Last, First, Middle)

DRIVER LICENSE # STATE CLASS ENDORSEMENT

CO-DRIVER INFORMATION

NAME (Last, First, Middle)

DRIVER LICENSE # STATE CLASS ENDORSEMENT

DRIVER HOURS RECAP For Certified Inspectors

DATE HOURS ON DUTY

- [ ] FALSE LOG
- [ ] NO LOG BOOK
- [ ] DRIVER LOG NOT CURRENT
- [ ] 8070 HOUR RULE VIOLATION
- [ ] 10 HOUR RULE VIOLATION
- [ ] 15 HOUR RULE VIOLATION
- [ ] CURRENT AND PREVIOUS DAYS LOG NOT IN POSSESSION
- [ ] FAILURE TO RETAIN 7 PREVIOUS DAYS LOG

VEHICLE DAMAGE

Use arrow to show first impact (shade in damaged area).

FRONT

OFFICER NAME / NUMBER DATE AGENCY APPROVED BY

* FAX only this Supplemental report to ODOT Crash Analysis Reporting Unit at (503) 986-4249 within 24 hours.

103
Post-Accident Inspection Procedures
(Level I or Level II)

In addition to the above DMV accident report a Level I or Level II inspection must be completed if it meets the following definition of an accident.

**Accident** means an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:

- A fatality, bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

Post-accident inspections are an important component to the Safety Program. As such, we ask that you correctly fill out the inspection. There is a sample below for Paper Inspections and ASPEN inspections.

**Paper Inspection**
See following page if using ASPEN

- For Paper Inspections as shown on the below sample, mark “Accident” in the Inspection Type, mark the level inspection being done, and write Post-Accident in the Probable Cause block.

- Separate the Post Accident violations from those violations that were evident and existing prior to the accident. Draw a line between the violations and label them accordingly as shown in the example.

- Forward the inspection forms as soon as possible (NLT 5 business days to the address below or you can fax them to (503)-373-7481.

Research and Analysis Unit
Oregon Department of Transportation / CCD
3930 Fairview Industrial Drive SE
Salem, OR 97302-1166
## DRIVER/VEHICLE EXAMINATION REPORT

**Form Must Be Signed by Carrier and Returned Within 15 Days**

### FORM 

**US DOT NO:**

**NAME OF CARRIER:**

**STREET ADDRESS:**

**CITY:**

**STATE:**

**ZIP:**

**COUNTY OF INSPECTION:**

**SCALE NO.:**

**HWY NO.:**

**MP:**

**CARRIER OPERATE INTERSTATE?**

**START TIME:**

**MED EXP DATE:**

**DATE OF BIRTH:**

**LICENSE NO.:**

**LICENSE EXPIRATION DATE:**

**LICENSE EXPIRATION DATE:**

**SHIPPER:**

**ORIGIN (CITY / STATE):**

**RECEIVER:**

**DESTINATION (CITY / STATE):**

**SHIPPING DOCUMENT NO.:**

**COMMODITY AT TIME OF INSPECTION:**

**HAZMAT/ RQD:**

**HAZARDOUS MATERIAL CLASS(S):**

**UNIT TYPE:**

**MAKE:**

**BASE PLATE:**

**UNIT NO.:**

**CVSA DECAL:**

**BRAKE ADJUSTMENT MEASUREMENTS:**

**D = Driver C = Co Driver**

**VIOLATIONS, DEFECTS, FINDINGS, REMARKS:**

"Pre-Existing Violations"

"Post-Accident Violations"

**WAS DRIVER WEARING A SEATBELT?**

**DOS VEHICLE STICKER:**

**INSPECTOR NAME (PRINT):**

**INSPECTOR CODE:**

**AGENCY:**

**FINISH TIME:**

**DRIVER'S LOG RECAP:**

**DATE:**

**HRS ON DUTY:**

**TOTAL HRS:**

**OUT OF SERVICE NOTICE:**

**INSPECTOR NAME (PRINT):**

**INSPECTOR CODE:**

**AGENCY:**

**FINISH TIME:**

**DRIVER SIGNATURE:**

**REPAIR PERSON CERTIFIES THAT THE VIOLATIONS LISTED AS "OUT OF SERVICE" HAVE BEEN CORRECTED AS OF THIS DATE:**

**NAME OF FACILITY:**

**DATE:**

**MOTOR CARRIER CERTIFIES THAT ALL VIOLATIONS NOTED ON THIS REPORT HAVE BEEN CORRECTED AND ACTION TAKEN TO ASSURE COMPLIANCE WITH APPROPRIATE FEDERAL AND STATE REGULATIONS FOR CARRIER SAFETY AND HAZARDOUS MATERIAL TRANSPORTATION. FAILURE TO COMPLY WILL SUBJECT CARRIER TO ADDITIONAL VIOLATIONS AND CIVIL PENALTY:**

**SIGNATURE:**

**DATE:**

**DRIVER: GIVE THIS FORM TO THE MOTOR CARRIER LISTED AT THE TOP OF THE FORM.**

**MOTOR CARRIER: IMPORTANT INSTRUCTIONS ON BACK OF FORM.**

**FORM MAY BE FAXED TO (503) 373-7481.**

**DISTRIBUTION: ORIGINAL TO DRIVER COPY TO ODOT**

---

**OR000S 712356**
1. Select **Post Crash** on the first tab in ASPEN.

2. When entering violations in the crash drop down box, select **result of crash, existed prior to crash** or **unknown**.

3. Upload inspection to FMCSA as you would do with any other inspection.
Oregon Department of Transportation  
Commerce and Compliance Division

DATE: December 3, 2019

SUBJECT: ODOT COMMERCE AND COMPLIANCE DIVISION  
PROTOCOL FOR TRUCK CRASHES  
(Request for Truck Inspection)

Commerce and Compliance Division (CCD) personnel provide assistance to law enforcement agencies to aid in the determination of truck crash causation. Our function is to provide technical expertise in inspecting vehicles and drivers to determine compliance with motor carrier regulations.

When law enforcement agencies believe the assistance of CCD is required during a post-crash investigation, they should have a clear understanding of what tasks CCD staff can perform.

CCD staff can assist with commercial motor vehicle inspections, review of driver qualifications, and review of hours of service requirements. This assistance does not require CCD to report to crash scenes. Inspections of equipment and reviews of drivers can be conducted post-crash after the vehicle(s) have been moved to a secure location.

After consultation with the Oregon Department of Justice it has been determined the authority granted to ODOT by statute is for the inspection of commercial motor vehicles and not for searches. Guidance from the Oregon Department of Justice reads in part, “I do not believe that ORS 823.023 directly authorizes such a program of warrantless, nonconsensual searches of a truck for papers or that any other ODOT statutes authorize the adoption of a rule establishing such a program.”

Motor Carrier staff will no longer be dispatched to the scenes of truck crashes. Instead we will ask that the commercial motor vehicle be maintained in its current condition and relocated to a secured area.

CCD has developed the following contact list. When using the contact list, please call members in the priority order listed. These staff members can assist in determining how an inspector can best assist in any given situation.

<table>
<thead>
<tr>
<th>Name</th>
<th>Work Phone</th>
<th>Cell Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russell Russell</td>
<td>503-373-1979</td>
<td>503-931-8729</td>
</tr>
<tr>
<td>Jess Brown</td>
<td>503-378-6336</td>
<td>503-949-1853</td>
</tr>
<tr>
<td>Sharon Wyle</td>
<td>971-673-5910</td>
<td>503-720-3088</td>
</tr>
<tr>
<td>Charles Erlandson</td>
<td>503-378-5941</td>
<td>503-475-3078</td>
</tr>
<tr>
<td>John Truly</td>
<td>541-774-5988</td>
<td>541-840-6405</td>
</tr>
</tbody>
</table>

* Managers
50 States DMV Phone List

Find DMV telephone numbers by state.
CDLIS/PDPS Help Desk by State

Find help desk telephone numbers by state.
Exempt Commodities

Composite Commodity List
of Administrative Ruling No 119
Enforcement
Bail Book
Preseumptive Fine Schedule for Size, Weight and Safety Violations

Revised September 26, 2019

This booklet has been prepared by the Commerce and Compliance Division of the Oregon Department of Transportation. Included herein are only those violations that pertain to commercial motor vehicle highway operations.

Violations shown in Bold are classified as Misdemeanors. All others are Traffic Violations.

If the officer issuing the citation notes on the citation the offense occurred in a highway work zone or a school zone the fine amount entered on the citation shall be taken from the Highway Work Zone/School Zone column shown on page 19 of the schedule.
Scale Phone Numbers for:
Oregon
Washington
Idaho
California
# Oregon Phone Numbers by Scale Name

*Please do not share these unpublished phone numbers*

<table>
<thead>
<tr>
<th>Scale #</th>
<th>Type</th>
<th>Name</th>
<th>Route</th>
<th>Mile Post</th>
<th>Org No.</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-06</td>
<td>F</td>
<td>Ashland SB</td>
<td>I-5</td>
<td>18.24</td>
<td>8140</td>
<td>541-482-5232</td>
</tr>
<tr>
<td>15-07</td>
<td>F</td>
<td>Ashland POE</td>
<td>I-5</td>
<td>18.08</td>
<td>8140</td>
<td>541-776-6004</td>
</tr>
<tr>
<td>09-06</td>
<td>F</td>
<td>Bend</td>
<td>US97</td>
<td>145.50</td>
<td>8151</td>
<td>541-388-6217</td>
</tr>
<tr>
<td>10-08</td>
<td>F</td>
<td>Booth Ranch NB</td>
<td>I-5</td>
<td>111.07</td>
<td>8158</td>
<td>541-863-3460</td>
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# Washington Scale Phone Numbers

See a map of [Washington scale locations.](#)

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<th>Name</th>
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<th>Phone</th>
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<td>Clark</td>
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Key for the above abbreviations:
- (LPR) License Plate Reader. (NB) (SB) (WB) Direction of scale.
### Idaho Scale Phone Numbers

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<td>Hollister</td>
<td>21 miles south of Twin Falls</td>
<td>US 93 SB / NB</td>
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<td>Huetter</td>
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<td>Inkom</td>
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### California Scale Phone Numbers

See a map of [California scale locations](#). Scale phone numbers are the following pages.
<table>
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<th>Name</th>
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<th>Facility Type</th>
<th>Direction</th>
<th>Phone</th>
<th>Division</th>
<th>City or Nearest City</th>
<th>Street Address</th>
<th>Zip Code</th>
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**California Commercial Vehicle Enforcement Facilities (Weigh Stations)**
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<th>Facility Type</th>
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Revised 2/10/2020

Time Zone Map
Time Zone for USA and Canada

Do not forget most of Arizona does not follow Daylight Savings Time.
Exempt From Inspection
Exempt From Inspection

The following vehicles/operations are excepted from the Federal Motor Carrier Safety Regulations and/or OAR/ORS and are not subject to inspection, regardless of the weight they are being operated at. Any inspections conducted on the following vehicles will be deleted from the system and you will not receive credit towards your annual certification requirement. The exempt vehicles can be inspected under certain conditions, see below.

Farm Vehicles – Oregon Farm plated vehicles operating anywhere within the state of Oregon. Out of state Farm plated vehicle operating within 150 air miles of the home base Farm. If you are Law Enforcement you can still stop these vehicles for safety violations and cite or warn, just don’t do an inspection report.

Government Vehicles – Federal, State, County or City vehicles.

Tow trucks – operating intrastate coming from or going to a roadside call or emergency.

Charitable organizations – CN plated vehicles operating solely intrastate in Oregon.

Personal recreational vehicles – i.e. pickup truck & camp/horse trailer, motor home, etc.

CMV’s designed to transport 9-15 passengers, including the driver, with no compensation.

Emergency vehicles and fire trucks while involved in emergency operations.

Transportation of personal property by individuals not for compensation.

Transportation of human corpses or sick/injured persons.

School bus operations.

Subject to Inspection

Commercial motor vehicles - involved in for-hire or private motor carrier operations with a gross vehicle weight rating, gross combination weight rating or actual weight 10,001 pounds or more.

Farm Vehicles – If operating in a for-hire motor carrier operation. Ensure you make notes on the inspection to support this. A copy of the BOL or picture of the load is advised in the event of a DataQ.

Tow trucks – When making secondary moves not directly related to a roadside call or Emergency. Ensure you make notes on the inspection to support this.

Personal Conveyance – driver’s operating a CMV in an off duty status (personal conveyance or ag operations) are subject to inspection at all times.

Mail Carriers - are not exempt from being inspected.

Charitable Organizations – when operating interstate.