

DOT ROADSIDE INSPECTIONS

A Guide to the Driver Inspection Process



2023 UPDATE

Each year, roughly 3.5 million roadside inspections are conducted. Those inspections lead to roughly 1 million driver violations and 3.8 million vehicle violations per year.

Roadside inspections are the primary tool used by the FMCSA to examine drivers, vehicles, and carriers to ensure they operate safely on the roadway. They help FMCSA:

- Generate data on carriers and drivers to determine which ones are not operating compliantly and/or safely;
- Provide industry-wide data on areas where carriers and drivers are having problems complying; and
- Stop unsafe drivers, vehicles, and carriers.

A carrier's goal is always that drivers receive no violations during roadside inspections as **violations cause the FMCSA to look more closely at your company.**

This guide presents a high-level overview of the driver's inspection process, from the interview, document and hours of service review, to DVIRs and periodic inspection.

We'll cover what the officer will be asking for, looking at, and what is expected within each inspection step.

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WHY ROADSIDE INSPECTIONS MATTER

Roadside inspections matter because safety-related violations that are noted on a roadside inspection report are used in FMCSA's carrier and driver evaluation tool - Compliance, Safety, Accountability (CSA).

As part of CSA, the Safety Measurement System (SMS) scores the safety violations in seven Behavior Analysis and Safety Improvement Categories (BASICs). The Vehicle Maintenance BASIC uses vehicle inspection data, while data from driver inspections feed these four BASICs:

1. Unsafe Driving
2. Hours-of-Service Compliance
3. Controlled Substances and Alcohol
4. Driver Fitness

But what fleets feel most is the cost of not preparing for roadside inspections. Poor results can escalate quickly, including negative impacts such as:

- **A Higher ISS Score** - A higher score will ultimately mandate more inspections.
- **Lost Revenue** - A 10-hour OOS period burns at least half of the revenue potential for the day. Roadside repairs may cost three to four times more than repairs at the company shop. Dispatching another driver to rescue a load doubles the revenue loss.
- **Lost Business Opportunities** - Your data is visible in the SMS and could keep you from new business, remove you from existing freight lanes, or could even experience lower negotiated freight rates.
- **Litigation and Insurance Rates** - A pattern of violations is one of the main tools that a plaintiff or an insurance agent may use to support an assertion that your company may not take the safety regulations seriously.



THE DRIVER INSPECTION PROCESS

The Interview

VEHICLE VISUAL – An officer will look at the general condition of the vehicle. The more mechanical problems the officer sees, the more likely he or she is to do a full inspection.

DRIVER VISUAL – The officer will observe driver actions, including excessive fidgeting, attempts to rearrange items in the cab, reaching for something, or trying to stay out of sight.

GREETING – The officer will greet the driver, introduce himself or herself, and begin the interview. Common questions include:

- What is your name?
- Who do you work for?
- What are you hauling?
- Where are you coming from and where are you going?
- How many days have you been out?
- What problems have you encountered lately?

Information gathered during this discussion will be compared to other information that is captured later in the inspection.

IMPAIRMENT CHECK – The officer will also determine if the driver is impaired by illness, fatigue, drugs, or alcohol. If the driver appears to be impaired, the officer will need to determine the exact problem, which could result in:

- A fatigue assessment,
- A field sobriety test,
- An examination by an officer trained in drug recognition, or
- An arrest and drug or alcohol test.



Common reasons drivers and vehicles are selected include:

1. A visible violation
2. A driving violation
3. A high ISS Score
4. Involvement in an accident
5. Random selection



Document Verification

CARRIER DOCUMENTATION – Related to the carrier itself, the officer will verify that:

- The carrier's DOT number is current and not inactive,
- The carrier is not under an out-of-service order,
- The carrier's UCR is current (if an interstate carrier),
- The carrier has valid for-hire authority if acting as a for-hire carrier, and
- The vehicle's required credentials are correct and valid.

LOAD DOCUMENTATION – The officer will review documents provided (driver's log, shipment paperwork, etc.) to determine if the vehicle is transporting hazardous materials.

DRIVER DOCUMENTATION – The officer will verify the driver's qualifications, including:

- **Running the driver's license** to get a motor vehicle report (MVR) and verifying the license is current and valid, including the class, endorsements, and restrictions on the license in comparison to the vehicle the driver is operating.
- **Verifying the driver is medically qualified.** If the driver is a CDL holder, the officer will verify that medical information listed on the MVR is current. If the driver is a non-CDL driver, the officer will check the driver's medical card.
- **Verifying the driver is complying with any medical terms** listed on either the license or the medical card (i.e., wearing either glasses or contacts).
- **Verifying the driver has the necessary exemption** if the driver has a condition that is normally disqualifying.



The **J. J. Keller® Encompass® Fleet Management System** alerts you to which driver and vehicle credentials are expired or due for renewal, helping you take proactive steps towards eliminating violations.

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Duty Status Records

This part of the inspection involves the officer requesting the driver's records of duty status, or logs, along with any supporting documents the driver has, such as bills of lading, shipment paperwork, and toll or fuel receipts. The officer will closely examine the logs for the current and previous seven days, looking for:

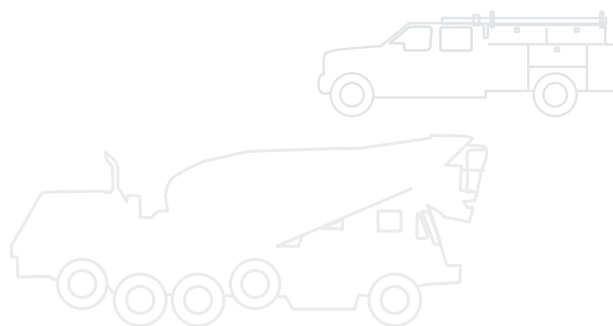
- The use of the correct type of log (electronic or paper),
- Missing information or entries,
- Incidents of operating past a limit, and
- Falsification.

How this will be done depends on the specific type of log the driver is using: an ELD, paper logs, or exempt time records.



2022 Roadside Inspection Driver Violations

Section	Description	Violations	Severity
§392.2(c)	Driver Failure to obey traffic control device	59,117	5
§392.2SLLS2	Driver State/Local Laws - Speeding 6-10 miles per hour over the speed limit	57,469	4
§395.8(e)	Driver False report of drivers record of duty status	54,914	7
§392.16	Driver Failing to use seat belt while operating a CMV	49,658	7
§383.23(a)(2)	Driver Operating a CMV without a CDL	46,646	8
§392.2LV	Driver Lane Restriction violation	37,567	3
§391.41(a)(1)	Driver Operating a property-carrying vehicle without possessing a valid medical certificate	36,657	1
§395.8(a)	Driver No ELD when ELD Required	36,462	5
§395.8	Driver Record of Duty Status violation (general/form and manner)	35,445	2
§391.41(a)	Driver No medical certificate in driver's possession	28,758	1
§392.2SLLS3	Driver State/Local Laws - Speeding 11-14 miles per hour over the speed limit	27,765	7
§392.2SLLS1	Driver State/Local Laws - Speeding 1-5 miles per hour over the speed limit	21,530	0



ELDs

ELD CERTIFICATION – The officer will first determine if the device is on the FMCSA's ELD registry and connected to the vehicle in such a way it can receive the required vehicle data.

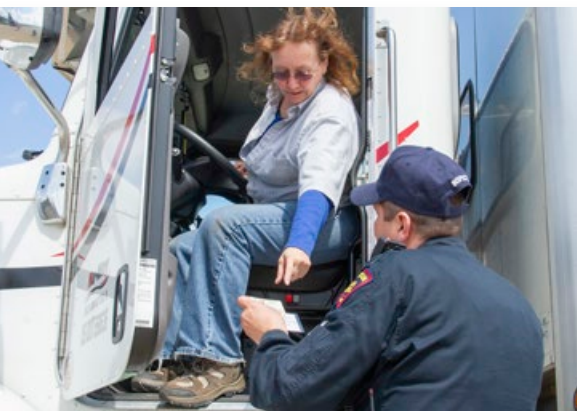
ELD DATA VERIFICATION – Once the officer verifies the device is an ELD, the officer will check the log display (or the data) for header information and underlying data for missing information, which could include:

- Entries the driver missed (shipment numbers or trailer numbers);
- Driver, carrier, or vehicle information that is required to be in the header section of the log/data and compare the driver name and license number in the ELD data to the license the driver provided; and
- Location, mileage, or engine hour entries that should have been captured automatically.

Missing data. Missing data might indicate a form and manner error or a larger issue, like driving with the ELD disconnected. This would create missing data and a jump in location, mileage, and engine hours.

Violations of the hours-of-service limits. Using the display method, the officer will manually count the hours and minutes on each duty line between the 8- or 10-hour breaks. If the officer receives the data from the driver, the officer's computer will compare the driver's hours to the basic limits when it was received and point out any incidents where a limit was exceeded.

If a limit was exceeded, the officer will look for a comment explaining the excess hours. If the comment is present and the situation meets one of the exceptions or exemptions that allows a driver to exceed a limit, the officer will not write a violation. However, if the driver exceeded a limit and there is no comment, or if the driver's explanation is not adequate, the driver will receive a violation.



The driver must be able to present the display in roadside inspection mode for the officer, as well as transfer data to the officer.

If the driver can only do one or the other, the officer will issue a violation.

If the driver cannot do either task, the officer will place him or her out of service for 10 hours for not having a log.

Unassigned Driving Time

The officer will see unassigned driving time in the data (there is a “flag” that specifically points this out to the officer). The officer will look at the circumstances and question the driver about it. Next, the officer must determine if the driver purposefully created a false log by driving while logged out to operate in excess of a limit.

Special Driving Categories

Misusing yard movement and personal use can easily result in a false log. The officer will investigate the specific situation, including reviewing supporting documents, referring to maps, and questioning the driver, to determine if the use of the special driving category was correct or if an attempt was made to falsify the log. If the officer decides the use of yard move or personal conveyance was improper, the driver will be cited for having a false log.

Yard movement is defined as an area that the public is not allowed to drive in due to signs or gate. The officer will verify the driver was actually in a yard when movement took place.

Personal conveyance use involves the officer determining if:

- The company has a policy allowing the use of personal conveyance;
- The driver could be considered off duty at the time of the move;
- The driver was going to a purely personal destination; and
- There was no benefit to the company as a result of the move.

The other situation where an officer will accept personal conveyance as legitimate is if movement was made when the driver was out of hours and ordered to move by a shipper, receiver, or officer, and the driver moved to the nearest safe location and documented the situation on the ELD.

Edits

When it comes to edits, the officer will investigate to determine if each edit was the result of an error or omission, or if the edit was an attempt by the driver (or the driver’s supervisor) to hide on-duty time.

On-Duty Time

The officer will verify that the driver is logging on-duty activities as on-duty time, by comparing supporting documents to the driver’s log and verifying on-duty activities were logged correctly.

Malfunctions

If the ELD malfunctioned, the officer will verify that it is a legitimate malfunction. If the malfunction occurred more than eight days ago, the officer will ask for a copy of the extension letter issued by FMCSA. The officer will ask the driver to present some type of record for each of the required days. The records could be a combination of logs displayed on the device that were captured prior to the malfunction, printouts from the ELD, and/or paper logs. To pass the inspection with a malfunction, the driver and carrier must follow the malfunction procedures dictated in the regulations.

Falsification violations.

The officer will look closely at the following to uncover possible falsifications:

- Any unassigned driving time on the device,
- The use of either of the special driving categories,
- Any edits to the data,
- The driver’s use of on-duty time,
- Any malfunctions.

PAPER LOGS

If the driver is using paper logs, the officer will ask the driver why he or she is using paper comparing the driver's answer to the list of exemptions. If the exemption is legitimate, the officer will verify the driver is qualified to use the exemption and is using it appropriately.

The officer will then dig into the logs:

- Making sure all required entries are on the log,
- Comparing the log to all supporting documents to make sure it is accurate,
- Verifying mileages from point-to-point on the log and for the day,
- Checking that all required on-duty time is logged as on-duty time, and
- Verifying the driver did not operate when over an hours-of-service limit threshold.

If the driver is using an app on a cell phone, tablet, or laptop in place of a paper log, the sequence will be the same, with one critical difference. Once the officer determines the device is not an ELD, the officer will expect the driver to be able to print the logs during the inspection, if requested.

TIME RECORDS

Drivers who are not required to have an ELD or log their hours of service on paper logs could be using one of the short-haul exemptions in §395.1(e) or one that exempts the driver from the limits and logging requirements, such as the agricultural exemption or the utility service vehicle exemptions in §395.1(k) and (n).

In these cases, the officer will question the driver to determine if the exemption is applicable. As long as everything is answered accurately, there is no violation. **If the driver cannot answer the officer's questions correctly** or is incorrectly applying one of these exemptions, the driver will be cited for not having a log and placed out of service for 10 hours.



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Driver Vehicle Inspection Reports (DVIRs)

The officer will ask the driver for DVIRs. The regulations do not require the driver to carry previous DVIRs, but an officer can request that the driver present any DVIRs in his or her possession. The officer will check for unresolved vehicle issues, such as defects noted that were not repaired, and a correct completion of any DVIR noting a defect.

If a DVIR indicated a defect and the defect has not been addressed, this could be an issue. If the driver and carrier have been knowingly operating the vehicle with a defect that affects the safety of the vehicle, the officer could write a significant fine.

If the driver noted a defect and it was addressed, the officer will expect to see three signatures on the DVIR, including that of:

- The driver who conducted the post-trip inspection and noted the defect on the DVIR,
- The carrier official who oversaw the repairs or decided the repair was not necessary, and
- The next driver to pre-trip the vehicle.

Officers are not surprised when the same driver's name appears in all three spots. This is a common occurrence when the carrier operates assigned equipment, and the driver either oversaw or did the repairs.

Annual (Periodic) Inspection

The officer will also verify the vehicle has a current annual inspection. Combination vehicles made up of a truck or tractor and a trailer (or multiple trailers) require proof of annual inspection for each piece of equipment. Proof can be a copy of the annual inspection report, or a decal indicating the date of the inspection.

The officer will verify that the inspection took place within the last 12 months. The officer will not write a violation until the month after the month the inspection is due. (If the annual inspection was due on May 2nd based on the date of the last inspection, the officer will not write a violation until May 31st has passed.)

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Driver Inspection Recap

The officer will document the driver, carrier, and vehicle inspected, and note any violations. If any violations were discovered, the officer will compare the violation to the North American Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance (CVSA), to decide if the driver should be allowed to continue to drive. The driver could be placed out of service if he or she:

- Has a driver's license that has been suspended, revoked, downgraded, disqualified, etc.;
- Does not have the correct license for the vehicle being operated;
- Is found to be impaired by illness, fatigue, drugs, or alcohol;
- Cannot provide logs and cannot provide a reasonable explanation as to why he or she does not have logs; or
- Is currently out of hours or has a false log.

The officer will provide the report to the driver once it is complete and discuss any violations that were discovered.

If the driver is placed out of service, the officer will instruct the driver what must be done before the driver can operate a commercial motor vehicle again. **Roughly 5 percent of driver inspections result in an out of service order.**



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