

Georgia Department of Public Safety

Policy Manual

SUBJECT COMMERCIAL MOTOR VEHICLE INSPECTIONS	POLICY NUMBER 17.18
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17.18.1 Purpose

To establish policy and procedures governing the selection criteria for commercial inspections of commercial motor carriers, vehicles, and drivers. The standards contained in this policy are for the sole use of the Department of Public Safety, and not intended for use as a claim or defense in a civil or criminal action.

17.18.2 Policy

The goal of commercial inspection efforts directed towards commercial motor carriers, commercial motor vehicles, and commercial motor vehicle drivers is to ensure the safety of the travelling public on Georgia's interstates, highways, and roadways.

17.18.3 Definitions

Terms utilized within this policy are defined by the Official Code of Georgia Annotated, Title 40 - Motor Vehicles and Traffic, Chapter 1 - General Provisions (OCGA § 40-1-1 - Definitions).

- A. "Commercial motor vehicle" means any self-propelled or towed motor vehicle used on a highway in intrastate or interstate commerce or both to transport passengers or property when the vehicle:
1. Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more;
 2. Is designed or used to transport more than eight passengers, including the driver, for compensation;
 3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
 4. Is used to transport material determined to be hazardous by the secretary of the United States Department of Transportation under 49 U.S.C. Section 5103 and transported in a quantity that requires placards under regulations prescribed under 49 C.F.R., Subtitle B, Chapter I, Subchapter C.

- B. CVSA refers to the Commercial Vehicle Safety Alliance.
- C. "Driver" means every person who drives or is in actual physical control of a vehicle.
- D. FMCSA refers to the Federal Motor Carrier Safety Administration.
- E. "Motor vehicle" means every vehicle which is self-propelled other than a personal delivery device, an electric assisted bicycle, or an electric personal assistive mobility device (EPAMD).

17.18.4 Procedures for Selection of Commercial Inspections

- A. OCGA §§ 35 -2-101 and 40 -1 -8 set forth duties of designated members of the Department that authorize commercial inspections, to include:
 - 1. Having the power to stop, enter upon, and inspect all motor vehicles using the public highways for purposes of determining whether such vehicles have complied with and are complying with laws, the administration or enforcement of which is the responsibility of the Department; and
 - 2. Having the power to examine the facilities where motor vehicles are housed or maintained and the books and records of motor carriers for purposes of determining compliance with laws, the administration or enforcement of which is the responsibility of the Department.
- B. Despite the authority to take such actions without the requirement for probable cause or reasonable suspicion, the DPS Motor Carrier Safety Assistance Program (MCSAP) should remain consistent with national and international commercial vehicle inspection programs by following the guidelines outlined in CVSA's Operational Policy 13. Therefore, it shall be the Department's policy to identify and select commercial vehicles, carriers, and drivers for commercial inspections based on the following criteria:
 - 1. Priority for inspections shall be given to those situations in which there is an observed violation of law, rule, or regulation. The observed violation may be related to the driver, the vehicle, or the cargo, to include size and weight infractions.
 - 2. Those carriers/ vehicles identified with a Federal Motor Carrier Safety Administration (FMCSA) Out-of-Service designation shall be stopped and a Driver/Vehicle Examination Report completed. Each Out-of-Service Order shall be verified during the inspection process.
 - 3. Georgia's standardized electronic screening systems shall be utilized to identify those carriers and/or vehicles that fail to meet predetermined safety criteria. Georgia screening credentials include, but may not be limited to:
 - a. International Registration Plan (IRP)
 - 1) Valid, Registered Gross Vehicle Weight (GVW), Registered Axles, Out-of-State Registration
 - b. International Fuel Tax Agreement (IFTA)

- 1) Valid by Carrier ID, Valid by License Registration
- c. Unified Carrier Registration (UCR)
- d. Inspection Selection System (ISS) Score
 - 1) ISS Maximum Threshold Score Exceeded
 - 2) ISS Safety Status (SAFESTAT) Category
- e. Georgia Intrastate Motor Carrier Registration (GIMC)
- f. Motor Carrier Safety Improvement Process (MCSIP)
 - 1) Federal Out of Service Order
 - 2) MCSIP Participation
 - 3) Biennial Update Incomplete
 - 4) Carrier Safety Rating
- g. Motor Carrier Management Information System (MCMIS)
 - 1) MCMIS Status
- h. Performance and Registration Information Systems Management (PRISM)
 - 1) Carrier Registration Valid
 - 2) Vehicle Registration Valid
- i. National Crime Information System (NCIC)
 - 1) Vehicle Registration
 - 2) Wanted/Stolen Vehicle
- j. Other Credential Rule
 - 1) Mismatched License Plate Reader (LPR) and U.S. Department of Transportation (DOT) reader results
 - 2) Georgia Height and Weight Limitation Laws
- 2. Mobile electronic selection criteria may be limited to violation observation, ISS score based on manual input, NCIC based on manual input, and LPR criteria when equipped with LPR readers.
- 3. Commercial vehicles without an observed valid CVSA decal may be selected for a random regulatory inspection.
- 4. Commercial vehicles meeting the defined focus criteria of a Special Enforcement Detail, such as Hazardous Materials, Radiological Materials, National Brake Checks, et cetera, may be selected for inspection without the

presence of additional inspection criteria.

5. Nothing in this selection criteria shall be construed to prevent an inspector from performing a random regulatory inspection at his/her discretion.

17.18.5 Documentation

All inspections shall be documented through the State's current inspection reporting program.

- A. Inspections shall be uploaded as soon as possible, after the driver/carrier has received their copy, and prior to that inspector's next activity.
- B. Inspectors should verify that completed inspections are uploaded for processing at the end of each shift.
- C. In the event of an unusual circumstance in which the inspection reporting program is not available for use, a DPS Form 33-Handwritten Inspection Report shall be completed by the inspector.
- D. A clean, legible copy of each handwritten inspection report and all accompanying supplemental pages shall be forwarded to SafetyNet as soon as possible for data entry purposes.

17.18.6 Prohibition of Discriminatory or Biased Based Inspections

It is the policy of the Georgia Department of Public Safety (DPS) to ensure compliance with the non-discrimination requirements of the Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities as identified in the FMSCA Title VI Program Assurance signed by the DPS Commissioner.

The criteria and activities related to commercial inspections shall meet or exceed the requirements of Title VI of the Civil Rights Act of 1964 and all related non-discrimination authorities. No person shall be subjected to enforcement action by, or be otherwise subjected to discrimination, based on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259); nor on the ground of sex, as provided under Section 162a of the Federal-Aid Highway Act of 1973 (Title 23 U.S. Code § 324). Additionally, FMCSA prohibits discrimination based on age, disability, low-income, and limited English proficiency.

- A. The criteria and activities related to commercial inspections shall meet the requirements, standards, and guidelines of DPS Policy 11.02 Biased Based Profiling.
- B. The Georgia Department of Public Safety shall provide public notice that it is the policy of the Department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related non-discrimination authorities in all programs and activities. The DPS Public Notice of Title VI Program and Title VI complaint forms may be obtained online at <http://gamccd.net>.
- C. Complaints alleging bias-based inspection selection criteria and/or bias-based enforcement shall be investigated in accordance with the Department's Title VI Program and DPS Policy Chapter 8, Complaints and Discipline.

17.18.7 Continuing Education

Each Department member performing commercial safety inspections, including new entrant and safety audit personnel, must attend annual MCCD in-service training provided by the DPS Training Unit. Annual training shall, at minimum, address the following topics:

- A. CVSA Out-of-Service Criteria updates.
- B. CVSA Inspection Bulletin/Procedure updates.
- C. Title VI Program training refresher to include FMSCA's English Language Proficiency Testing and Enforcement Policy MC-ECE-2016-006 and any other applicable Title VI Program updates.

17.18.8 Program Monitoring

Program monitoring is necessary to ensure the consistent, effective, and efficient application of laws, rules, and regulations designed to promote safe commercial transportation upon Georgia's roadways.

- A. Inspectors should submit completed inspections, with signatures, monthly to the Region in which the inspection was conducted. Region supervisors shall complete a Monthly MCSAP Report based on monthly performance data. After review, the Region shall submit the inspection reports and the Monthly MCSAP Report to SafetyNet for additional review and data processing.
- B. CMV enforcement, including commercial vehicle inspections, will be reviewed annually to ensure compliance with Title VI Program requirements. The Title VI coordinator shall ensure any needed technical assistance with the implementation of Title VI Program requirements is provided. Any deficiencies found to exist shall be corrected. An annual Title VI summary report shall be submitted to the DPS Commissioner as required by the DPS Title VI Program.