

**ILLINOIS STATE POLICE DIRECTIVE
ENF-036, COMMERCIAL VEHICLE ENFORCEMENT**

RESCINDS: ENF-036, 2014-095, revised 11-25-2014.	REVISED: 12-20-2018 2018-031
RELATED DOCUMENTS: ENF-032, ISP Reference Manual	RELATED CALEA STANDARDS: 61.1.2, 61.1.5

I. POLICY

The Illinois State Police (ISP) will

- I.A. Enforce state and federal regulations regarding motor carrier safety (MCS).
- I.B. Conduct inspections utilizing North American Standard Inspection procedures.

II. AUTHORITY

625 ILCS 5/18B-100, et seq., "The Illinois Motor Carrier Safety Law"

III. DEFINITIONS

- III.A. Inspection Report (IR) - Illinois Commercial Driver/Vehicle Inspection Report, ISP form 5-238, ASPEN or ISP report software.
- III.B. Certified personnel
 - III.B.1. Those personnel authorized by the Commercial Vehicle Section (CVS), Operational Services Command, Division of Operations (DOO), to declare drivers and/or vehicles out-of-service (OOS) as specified by the North American Standard Inspection procedure or equivalent ISP requirements.
- III.C. Commercial Vehicle Enforcement Officer (CVEO) - any officer selected by their district and certified by the CVS Supervisor and the Federal Motor Carrier Safety Administration to perform Level 1, hazardous material, cargo tank/bulk packaging and Level 6 inspections.
- III.D. Inspection - the examination of a vehicle and/or driver for compliance with the Federal Motor Carrier Safety Regulations (FMCSR's), Illinois MCS regulations, hazardous materials regulations and related Illinois Vehicle Code (IVC)/Interstate Commerce Commission regulations.
 - III.D.1. Courtesy Inspection - inspections conducted at the request of the motor carrier (see V.B.4.)
 - III.D.2. Level 1 (full inspection) - includes each of the items specified under the North American Standard Inspection procedure. At a minimum, a full inspection must include the examination of the:
 - III.D.2.a. Brake system
 - III.D.2.b. Cargo securement
 - III.D.2.c. Coupling devices
 - III.D.2.d. Drive shaft
 - III.D.2.e. Driver's license
 - III.D.2.f. Driver's record of duty status, if required
 - III.D.2.g. Exhaust system
 - III.D.2.h. Frame
 - III.D.2.i. Fuel system
 - III.D.2.j. Hazardous materials requirements, if applicable
 - III.D.2.k. Lighting devices
 - III.D.2.l. Medical examiner's certificate, if required, or a waiver, if applicable
 - III.D.2.m. Periodic vehicle inspection report
 - III.D.2.n. Seat belt
 - III.D.2.o. Steering mechanism
 - III.D.2.p. Suspension
 - III.D.2.q. Tires

- III.D.2.r. Wheels
- III.D.2.s. Windshield wipers
- III.D.3. Level 2 (walk-around vehicle/driver inspection) - as specified under the North American Standard Inspection procedure. At a minimum, includes the examination of the:
 - III.D.3.a. Cargo securement
 - III.D.3.b. Driver's license
 - III.D.3.c. Driver's record of duty status, if required
 - III.D.3.d. Exhaust systems
 - III.D.3.e. Fire extinguisher
 - III.D.3.f. Fuel systems
 - III.D.3.g. Hazardous materials requirements, if applicable
 - III.D.3.h. Head lamps
 - III.D.3.i. Low air warning device
 - III.D.3.j. Medical examiner's certificate, if required, or a waiver, if applicable
 - III.D.3.k. Periodic vehicle inspection report
 - III.D.3.l. Seat belt
 - III.D.3.m. Stop lamps
 - III.D.3.n. Tires
 - III.D.3.o. Turn signals
 - III.D.3.p. Visible brake components
 - III.D.3.q. Visible coupling devices
 - III.D.3.r. Visible suspension components
 - III.D.3.s. Warning devices for stopped vehicles
 - III.D.3.t. Wheels
 - III.D.3.u. Windshield wipers
- III.D.4. Level 3 (driver/credentials inspection) - as specified under the North American Standard Inspection procedure. An examination of the:
 - III.D.4.a. Driver's license
 - III.D.4.b. Driver's record of duty status, if required
 - III.D.4.c. Medical examiner's certificate, if required, or a waiver, if applicable
 - III.D.4.d. Seat belt
 - III.D.4.e. Carrier Identification/Operating Authority
 - III.D.4.f. Periodic vehicle inspection report
- III.D.5. Level 4 (special studies inspection) - typically includes a one-time examination of a particular item. These examinations are normally made in support of a study or to verify or refute a suspected trend and should only be performed at the direction of the CVS Supervisor or their designee.
- III.D.6. Level 5 (terminal inspection) - an inspection that includes each of the vehicle inspection items specified under the North American Standard Level 1 Inspection, without a driver present, conducted at any location.
- III.D.7. Level 6 (enhanced radioactive inspection) - an inspection performed by certified CVEOs of select radiological shipments including enhanced Level 1 inspection procedures, radiological requirements and enhanced out-of-service criteria. Only certified CVEOs may perform this type of inspection on shipments of transuranics and highway route controlled quantities of radioactive materials.
- III.D.8. Level 7 (Jurisdictional Mandate Commercial Vehicle Inspection) - an inspection that is part of a jurisdictional mandated inspection program and does not meet the requirements of any other level of inspection. An example will include inspection programs such as, but not limited to: school buses, limousines, taxis, shared ride, hotel courtesy shuttles and other intrastate/intraprovincial operations
- III.E. Out-of-Service (OOS) - the termination of operation of the driver and/or vehicle until violations are corrected or operating requirements have been satisfied as provided in the CVSA Out-of-Service Criteria.

IV. RESPONSIBILITIES

IV.A. Level 1 (full inspection)

Only CVEOs may perform this level of inspection and are authorized to place drivers, vehicles, and/or hazardous materials OOS.

IV.B. Level 2 (walk-around driver/vehicle inspection)

May be performed only by those personnel trained and certified to perform Level 1 or Level 2 inspections with authorization to place drivers and/or vehicles OOS.

IV.C. Level 3 (driver/credentials inspection)

May be performed only by those personnel trained and certified to perform Level 1, 2, or 3 inspections with authorization to place drivers OOS.

NOTE: Level 3 certified inspectors are only authorized to place drivers OOS with the exception of an Operating Authority violation as listed in Part IV of the CVSA OOS criteria.

IV.D. Level 4 - (special studies inspection)

A special studies inspection will be completed only at the direction of the CVS Supervisor or their designee.

IV.E. Level 5 - (terminal inspection)

This level of inspection will only be conducted by a CVEO.

IV.F. Level 6 - (enhanced radioactive inspection)

Only certified CVEOs may perform this level of inspection, apply the CVSA Enhanced Radioactive decal to those vehicles found to be free of defects pursuant to the enhanced Level 6 inspection criteria, and place drivers, vehicles, and/or loads of transuranic or highway route controlled quantities of radioactive materials OOS.

IV.G. Level 7 (Jurisdictional Mandated Inspection).

IV.G.1. Only certified CVEOs may perform this level of inspection

IV.G.2. Normally done at the direction of the CVS

IV.G.3. No CVSA decal will be issued for a Level 7 Inspection

IV.H. Officers conducting Level 1, 2, 3, 4, or 6 Inspections shall perform driver's license inquiries to verify status of driver and compliance with regulations.

IV.I. Officers certified to conduct Level 1 and 5 inspections will issue CVSA decals to vehicles that have been inspected and contain no Critical Vehicle Inspection Item violations as noted in CVSA operational policy (also listed in the OOS criteria).

IV.I.1. Officers must conduct inspections in accordance with their District requirements. At a minimum, officers must conduct 32 inspections per federal fiscal year at their highest level of certification to remain certified at that level and eligible to perform inspections and to work commercial vehicle hireback programs.

Note: For example, a Level II Certified Officer who completes 20 Level II inspections and 20 Level III inspections will lose their Level II certification, but will remain Level III certified.

IV.I.1.a. Recertification: Officers failing to meet the required number of inspections, as specified by the North American Standard (NAS) Inspection procedure, will be

- required to retake the appropriate NAS course. If less than one year has passed, the Department may elect to administer the recertification test in lieu of the course.
- IV.I.1.b. Districts shall keep track of the number of inspections officers have completed and organize recertification with CVS for officers who have failed to maintain certification.

IV.J. The primary job function of each CVEO is the inspection of commercial motor vehicles.

To maintain certification, CVEOs must pass all required training and meet the performance standards of the commercial vehicle inspection program.

IV.K. The ISP will provide courtesy inspections only as an educational and technical assistance service to motor carriers and are not meant to supplement carrier profile data.

IV.K.1. Therefore, no IR form, enforcement action, or CVSA decals will be issued as a result of a courtesy inspection. Officers may use a copy of the Illinois Commercial Driver/Vehicle Inspection Report form (ISP 5-238 available in the ISP Document Library at <http://maphome/documentlibrary/>) **only** as a checklist during a courtesy inspection.

IV.K.2. Typically, only CVEOs will conduct courtesy inspections and will document their activity by completing a Liaison Report form (ISP 1-123 available in the ISP Document Library at <http://maphome/documentlibrary/>), submitting one copy through their chain of command and one copy to the CVS.

IV.K.3. Only certified personnel may place a driver and/or vehicle OOS.

IV.K.3.a. Only CVEOs may place hazardous materials shipments OOS.

IV.K.3.b. Only those violations listed and defined in the CVSA North American Standard Out-of-Service Criteria may be used to place a driver and/or vehicle OOS.

V. PROCEDURES

V.A. OOS Criteria

- V.A.1. Before declaring a vehicle OOS, the officer should determine if the location of the stopped vehicle is adequate to allow repairs to be done at the scene. If not, the vehicle may be moved to a suitable location, only if in doing so, the public will not be endangered.
- V.A.2. Declaring and marking vehicles OOS.

V.A.2.a. When the officer has completed the Vehicle Out-of-Service Sticker, ISP 5-240, and the vehicle is parked in a safe location, the Vehicle Out-of-Service Sticker is to be applied to the vehicle as follows:

V.A.2.a.1) Power units - apply to the outside of the windshield at a point directly in the line of vision of a person seated at the driving controls.

V.A.2.a.2) Towed units (trailers) - apply to the left front corner near the brake and electric line connections.

V.A.2.b. Provide the OOS document number and other pertinent information to the district of assignment of the inspecting officer (optional at District Commander discretion).

V.A.2.c. Provide the driver with a copy of the IR.

V.A.2.d. Unless the Officer verifies the OOS violation will be "corrected on scene," and such radio disposition is provided, the Officer will provide Communications with necessary information to enter the OOS into the CAD system.

V.A.3. Declaring a driver OOS

V.A.3.a. Provide the driver a copy of the IR (the canary copy of form ISP 5-238 or a copy of inspection report from the ASPEN/ISP report software).

V.A.3.b. Ensure that all applicable boxes/sections have been completed documenting the OOS violation and declaring the driver OOS.

V.A.4.d Unless the Officer verifies the OOS violation will be "corrected on scene" and such radio disposition is provided, the Officer will provide Communications with necessary information to enter the OOS into the CAD system.

V.A.4. Officer Safety

For the protection of the officer conducting the inspection, the officer will, before going under the vehicle, securely chock the vehicle by placing chock blocks at the front and rear of a drive axle wheel.

V.A.5. Leakage of hazardous materials

Leaking of any product classified as a hazardous material inside or outside of a vehicle is to be handled as follows:

- V.A.5.a. Stop inspection. Do not come in contact with the hazardous material.
- V.A.5.b. Contact a District CVEO immediately and make arrangements to park the vehicle in a suitable place until disposition of the matter is resolved.
- V.A.5.c. Make notification to authorities, if necessary. (Fire department, Illinois Emergency Management Agency, etc.)
- V.A.5.d. Fill out a Form 5800 when appropriate.

V.A.6. Conclusion

- V.A.6.a. Conclude the driver/vehicle inspection by completing the IR form.
- V.A.6.b. Have the driver sign the IR and explain the action, if any, to be taken, i.e., written warning, citation, OOS information. When using the ISP report software inspection software VSIS, a written warning will not be issued to the driver. Only note the violation on the inspection, and put warning in the citation box.
- V.A.6.c. Pursuant to the Level 1 inspection criteria, officers must follow guidelines set forth in the "Commercial Vehicle Safety Alliance Decal" directive found in the appendix of the North American Standard Out-of-Service Criteria.
- V.A.6.d. Only CVEOs trained in the enforcement of the Illinois Hazardous Materials Regulations may perform the parts of the inspection procedure pertaining to hazardous materials.
- V.A.6.e. Place vehicle and/or driver OOS, if necessary, in a suitable location and apply the OOS sticker to the appropriate vehicle(s).

V.B. Terminal Inspections

V.B.1. Before a CVEO enters a carrier's place of business to audit the carrier's records, the officer will:

- V.B.1.a. Receive authority from the CVS supervisor or their designee and/or
- V.B.1.b. Receive written permission from the owner or manager of the facility or obtain a proper court order and/or
- V.B.1.c. Be accompanied by an authorized federal/state Department of Transportation official.

V.B.2. Only those vehicles ready for dispatch are eligible for a terminal inspection.

V.B.3. During the inspection, the officer will:

- V.B.3.a. Confine their activities to only the case at hand.
- V.B.3.b. Not remove any records without the written consent of the owner or manager or by direction of the court.
- V.B.3.c. Complete the IR form, marking Level 5 Inspection.

V.B.4. Whenever a CVEO is requested to provide a courtesy inspection at the carrier's place of business, the officer will:

- V.B.4.a. Receive authority from the CVS supervisor or their designee.

- V.B.4.b. Confine the inspection to the vehicles provided.
 - V.B.4.c. Suggest to the carrier that the person(s) responsible for the maintenance of the vehicle be present during the inspection.
 - V.B.4.d. Whenever possible, limit the inspection to one or two vehicles.
- V.C. Whenever an officer receives a request from an outside law enforcement agency for a commercial motor vehicle inspection, the officer will:
 - V.C.1. Advise the Chain-of-Command in their assigned district of the:
 - V.C.1.a. Nature of request
 - V.C.1.b. Police agency making the request
 - V.C.1.c. Location of inspection
 - V.C.2. Upon arrival at the scene, determine the time the vehicle was stopped and document the time in the "Violation Remarks" section of IR form.
 - V.C.3. Follow the same procedures as if the officer stopped the vehicle originally.
- V.D. Crashes Involving Commercial Vehicles
 - V.D.1. A CVEO will be assigned to provide technical assistance to Crash Reconstruction and/or investigating officers of the crashes involving \$25,000 or more property damage, injury, and/or death. If a CVEO is unavailable, it is recommended that an officer trained to perform Level 2 inspections be assigned to provide assistance.
 - V.D.2. The CVEO (other certified personnel will perform inspections as authorized) will perform a Level 1 inspection on all applicable vehicles and record all driver/vehicle discrepancies determined to have existed before the crash. Any damage occurring as the result of the crash which would normally result in an OOS condition will be included under the heading "Post-Crash" and documented at the end of the inspection report.
 - V.D.3. The CVEO will obtain a copy of the crash report and forward, along with the completed IR form, to:
 - Illinois State Police
 - Commercial Vehicle Section
 - 801 South Seventh Street, Suite 200-N
 - Springfield, Illinois 62703-4287
 - fax number – (217) 524-2391
 - V.D.4. Any citations for violations will be issued by the officer/agency assigned to investigate the crash. In cases where a violation of Chapter 18b contributed directly to the crash and the investigating agency does not have authority to enforce Chapter 18b, the inspecting officer may issue the citation.
 - V.D.5. Record ISP or other agency citations/warnings on the inspection report.
- V.E. Enforcement
 - V.E.1. The ISP will vigorously enforce the MCS Regulations set forth in Chapter 18b of the IVC.
 - V.E.2. Chapter 18b of the IVC establishes into law the Federal MCS Regulations that can only be enforced by the ISP.
 - V.E.2.a. It is important that officers refrain from extending police discretion to such an extent that it is no longer a discretionary act, but is instead an extension of the law.
 - V.E.2.b. It is equally important that such discretion be uniformly applied to prevent confusion and misunderstanding on the part of commercial vehicle drivers and carriers and to avoid giving the impression that enforcement of the MCS Regulations is being arbitrarily managed in each district or area of the State.

- V.E.3. The Department will continue to allow officers to exercise their own good judgment uniformly in the conduct of their enforcement activities.
- V.E.4. When it is determined that the driver and/or vehicle is in violation of the MCS Regulations and the violation will not hinder safe operation, a written warning will be normal enforcement procedure.
- V.E.5. The issuance of a citation will be the normal enforcement procedure when:
 - V.E.5.a. In the course of the inspection, it is determined that a driver and/or vehicle are in violation of the MCS Regulations to the extent that it would cause the driver and/or vehicle to be placed OOS.
 - V.E.5.b. In the officer's judgment, the condition of the vehicle is due to neglect, misuse, or lack of maintenance.
 - V.E.5.c. Other unusual circumstances occur.
- V.E.6. When taking enforcement action, officers will refrain from issuing multiple citations or warnings for the same offense.

EXAMPLE: An officer observes that there are five inoperative identification lamps on a combination vehicle. Only one citation or written warning will be issued for this offense. The officer would note on the inspection report where on the combination vehicle these inoperative lamps were located.

| Indicates new or revised items.

-End of Directive-