



**Division of State Patrol
Policy and Procedure**

Number
8-14

Subject COMMERCIAL MOTOR VEHICLE INSPECTION SELECTION	
Author/Originator Bureau of Field Operations	Approved by <i>Anthony L. Burrell</i> Superintendent
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I. POLICY

Division of State Patrol (DSP) personnel are committed to enhancing public safety through data-driven and objective enforcement of State Statutes, Administrative Transportation Rules, and Federal regulations relating to commercial motor vehicles (CMVs). The purpose of this policy is to establish uniform guidelines for the selection of CMVs for inspection.

II. BACKGROUND

It is the policy of the Division to focus inspection efforts on those CMVs that have a harmful impact on traffic safety and cause damage to the infrastructure of the roadways. A North American Standard Inspection of CMVs will only be conducted by Commercial Vehicle Safety Alliance (CVSA) certified employees, sworn and non-sworn, utilizing the North American Standard inspection process established by the CVSA.

III. OBJECTIVE

The objective of this policy is to provide the DSP with guidelines to select CMVs for inspection. This policy will address uniformity on the selection process and documentation requirements. The guidelines will be in conformity with standards established by the Federal Motor Carrier Safety Administration (FMCSA) Title VI Plan, DSP Policy & Procedure 14-3 Bias Free Policing, and CVSA’s Operational Policies.

IV. DEFINITIONS

- A. **Commercial Motor Vehicle:** Means any self-propelled or towed motor vehicle used on a highway in interstate or intrastate commerce to transport passengers or property when the vehicle:
1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
 2. Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
 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. The vehicle is transporting hazardous materials requiring placarding.
- B. **Common Motor Carrier:** Means any person who holds himself or herself out to the public as willing to undertake for hire to transport passengers or property by motor vehicle upon the public highways.
- C. **Contract Motor Carrier:** Means any person engaged in the transportation by motor vehicle over a regular or irregular route upon the public highways of property for hire.
- D. **Department:** Means the Department of Transportation.
- E. **Electronic Screening:** Means the use of automated technologies which screen a CMV for potential violations and non-compliance indicators. These technologies screen for poor carrier safety scores or Federal out-of-service orders, overweight vehicles, missing or flat tires, unpaid fees related to registration, Unified Carrier Registration (UCR), and the International Fuel Tax Agreement (IFTA). Electronic screening technologies include, but are limited to, systems such as PrePass, DriveWyze, weigh in motion, virtual weigh in motion, USDOT number readers, license plate readers, thermal imaging cameras, and tire anomaly sensors.
- F. **Person:** Means and includes any individual, firm, partnership, limited liability company, corporation, company, association, including express and forwarding companies or agencies and railroad companies, or their lessees, trustees or receivers.
- G. **Private Motor Carrier:** Means any person who provides transportation of property or passengers by commercial motor vehicle, as defined in 49 CFR 390.5, and is not a for-hire motor carrier.
- H. **Secretary:** Means the Secretary of Transportation.

- I. **Weigh Station:** Means a facility constructed and maintained pursuant to s. 84.01 (21), Stats., for weighing, measuring, or inspecting vehicles and loads operating on any highway.

V. GENERAL PROVISIONS

- A. Wisconsin State Statute 110.075 allows any traffic officer or motor vehicle inspector to stop a motor vehicle for inspection. Such inspection shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and other items of equipment designated by the secretary. While motor vehicle inspections do not require probable cause or reasonable suspicion, it is the DSP's protocol to inspect motor vehicles based on factors found in this policy. In addition, Memorandums of Understating must be in effect between the DSP and any other law enforcement agency who wishes to conduct CVSA North American Standard inspections in Wisconsin.
- B. Wisconsin State Statute 194.11 states that the department or its authorized agents may at any time enter upon any premises within this state occupied by any common motor carrier of property or passengers, any contract motor carrier or any private motor carrier, or any motor vehicle of a common motor carrier, contract motor carrier or a private motor carrier for the purpose of exercising any power provided for in State Statute Chapter 194. In addition, duly authorized agents of the department may stop a motor vehicle under this section upon the public highways for the purpose of exercising any power provided for in State Statute Chapter 194.
- C. Chapter Trans 312, by authority granted by State Statute 348, requires trucks weighing over 10,000 pounds to enter into an open weigh station to check vehicle size, weight, and load limitations.
- D. Criteria for selection of CMVs for inspection or weight validation at weigh stations and during mobile operations:
 1. Inspections will be prioritized when violations of State and Federal law are detected. This shall include violations related to drivers, vehicle equipment, or vehicle size, weight, and load violations.
 2. Electronic screening of vehicles and the FMCSA's Inspection Selection System (ISS) data base shall be used by DSP staff when available. Vehicles identified in the ISS database with poor safety scores or insufficient data will take priority for an inspection selection.
 3. If a vehicle does not display a current CVSA inspection decal, it may be selected for inspection. Vehicles displaying a valid CVSA decal will generally not be inspected unless an equipment violation is identified.

4. If a driver of a CMV is legally parked obtaining rest or off duty, the CMV driver will not be disturbed to conduct an inspection.

E. Documenting a CMV inspection:

1. Aspen software will be utilized to document a MCSAP inspection following the guidelines in DSP Policy and Procedure 8-4.
2. Inspectors shall complete a Traffic and Criminal Software (TraCS) contact summary report after every North American Standard CMV inspection. This report will include the demographic of the driver and if a citation or warning was issued.

VI. PROCEDURE

A. The Region Commander shall:

1. Ensure that this policy is carried out.
2. Correct any deficiencies that are not in compliance with this policy or in regard to CMV enforcement and inspections.

VII. REFERENCES

DSP Policy and Procedure 8-4, Motor Carrier Safety Assistance Program
DSP Policy and Procedure 14-3, Bias Free Policing
Commercial Vehicle Safety Alliance (CVSA), <https://www.cvsa.org/>