

**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
HIGHWAY PATROL**

**CHAPTER 1340-03-05
PASSENGER TRANSPORTATION COMPLIANCE REVIEW PROCEDURES**

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1340-03-05-.01 PURPOSE.

- (1) To establish uniform procedures for annual compliance reviews on for-hire passenger transportation services and promoting passenger transportation safety.

Authority: T.C.A. §§ 4-3-2009 and 65-15-128. **Administrative History:** Original rule filed December 16, 2010; effective May 31, 2011.

1340-03-05-.02 DEFINITIONS.

- (1) Compliance Review. An annual on-site examination of a motor carrier's operations, both paperwork and vehicle inspection, by the Tennessee Highway Patrol to determine a motor carrier's safety fitness.
- (2) CVSA. Commercial Motor Vehicle Safety Alliance.
- (3) FMCSR. Federal Motor Carrier Safety Regulations.
- (4) For-Hire Passenger Transportation Service. Any person, company or government entity that holds itself out to the public as willing to transport passengers in return for compensation and has the ability to offer such transportation services with motor vehicles designed or constructed to accommodate and transport eight (8) or more passengers, excluding the driver, within the state of Tennessee, or any motor vehicle transporting passengers who are TennCare enrollees eligible for such transportation services under TennCare. Any Passenger Transportation Service that is being inspected by the Department of Safety under another program is deemed to meet the requirements of this rule.
- (5) Level I Inspection. An inspection that includes examination of driver's license, medical examiner's certificate and waiver, if applicable, alcohol and drug possession, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, coupling devices, exhaust system, frame, fuel system, turn signals, brake lamps, tail lamps, head lamps, lamps on projecting loads, safe loading, steering mechanism, suspension, tires, van and open-top trailer bodies, wheels and rims, windshield wipers, emergency exits on buses and HM requirements, as applicable.
- (6) Level V Inspection. An inspection that includes each of the vehicle inspection items specified under the North American Standard Inspection (Level I), without a driver present, conducted at any location.

(Rule 1340-03-05-.02, continued)

- (7) Level VII Inspection. Other inspection programs that are required by various jurisdictions for the inspection of, for example, limousines and school buses. No CVSA decal is issued.
- (8) Out of Service Criteria (OOSC). The OOSC is used by certified state, provincial, territorial and federal law enforcement personnel in identifying Critical Vehicle Inspection Item violations following a roadside inspection that can prohibit a motor carrier or operator from driving a Commercial Motor Vehicle.
- (9) SafetyNet. A system designed to manage and provide appropriate access to crash data, inspection history, and motor carrier and shipper identification information.
- (10) SAFER. The FMCSA Safety and Fitness Electronic Records System provides company safety data and related services to industry and the public over the Internet.

Authority: T.C.A. § 65-15-128. **Administrative History:** Original rule filed December 16, 2010; effective May 31, 2011.

1340-03-05-.03 PASSENGER TRANSPORTATION SERVICES COMPLIANCE REVIEW.

- (1) Annual Passenger Transportation Services Inspection/Review (Level I, V, VII)
 - (a) Passenger transportation services inspections/reviews will be conducted annually by a qualified Trooper. Those charged with inspecting such vehicles must have completed the training program provided by the department prior to conducting inspections.
 - (b) The Trooper will be responsible for ensuring that all vehicles designed for use for passenger transportation services meet the requirements of the FMCSR handbook. The FMCSR handbook can be accessed on the Department of Safety's website at <http://tn.gov/safety/CVE/index.html>.
 - (c) All inspections/reviews will be coordinated through the Commercial Vehicle Administration Office. Each Passenger Transportation Service will be notified of impending inspection via phone or mail by the THP District Office. Inspection/review locations will be determined by the Trooper. Possible locations may include, but are not limited to, the Passenger Transportation Service's place of business, fixed scale complex, roadside or other designated safe location.
 - (d) Any vehicle that does not meet the requirements of the FMCSR will be placed out of service by the Trooper. Such vehicle shall remain out of service until it is made compliant with the FMCSR.
 - (e) The Trooper shall be required to explain the reason for any non-compliance to operator or company official of the inspected vehicle.
 - (f) Upon approval of and/or noncompliance of the vehicle, the Trooper shall:
 1. Complete an Electronic Inspection Report in its entirety.
 2. The Trooper will sign the inspection report; this will be an indicator to all receiving it that the vehicle recorded thereon is in compliance/noncompliance with the FMCSR.
 3. Distribution of the inspection report shall be the responsibility of the Trooper.
 4. A copy of the inspection report shall be provided to the driver, owner or passenger transportation service representative.

(Rule 1340-03-05-.03, continued)

- (g) Troopers will also review the medical examination records for each driver required to be medically qualified as per State and Federal requirements.
- (h) Troopers will also review the maintenance records of vehicles that are designed or constructed to accommodate and transport 8 or more in number.
- (i) Troopers will also review the drug and alcohol testing of drivers required to submit to these tests as required by 49 CFR and/or State regulations.
- (j) Troopers will also review for the meeting of minimum insurance requirements of the carrier.

Authority: T.C.A. § 65-15-128. **Administrative History:** Original rule filed December 16, 2010; effective May 31, 2011.

1340-03-05-.04 PASSENGER TRANSPORTATION SERVICES INSPECTION STICKERS.

- (1) Passenger Transportation Inspection Services Sticker Policy (CVSA).
 - (a) The CVSA Inspection Sticker is a system of identification enabling responsible officials and law enforcement personnel to visually identify the inspection status of passenger transportation vehicles.
 - (b) CVSA Inspection Stickers will consist of four (4) different and recognizable distinct colors.
 - 1. The calendar quarter in which an inspection is performed is indicated by the color of the sticker issued.
 - (c) The CVSA Sticker is to be placed on the glass portion of the passenger door as close to the inspector's eye level as possible.
 - (d) The Trooper must remove or cover any previous CVSA Sticker before the new one is applied.

Authority: T.C.A. § 65-15-128. **Administrative History:** Original rule filed December 16, 2010; effective May 31, 2011.

1340-03-05-.05 INSPECTION/REVIEW PROCEDURES.

- (1) Passenger Transportation Inspection Policy/Procedures
 - (a) The Department of Safety will follow all procedures as outlined in the North American Standard Passenger Vehicle Inspection Procedure. The complete procedure can be accessed on the Department of Safety's website at <http://tn.gov/safety/CVE/index.html>.
- (2) Inspection Procedures
 - (a) No inspection will be completed on vehicles that are powered by alternate sources of energy such as, but not limited to, battery or electric powered vehicles, and hybrids until such training becomes available.
- (3) Documentation of Compliance Review

(Rule 1340-03-05-.05, continued)

- (a) All inspections when completed will be uploaded to SafetyNet as per the following:
 1. Level I inspections completed on for-hire carriers at point of destination.
 2. Level V inspections to be completed at the terminal of for-hire carriers.
 3. Level VII inspections completed on all government registered carriers.
- (b) A copy of all inspections along with the completed spread sheet will be forwarded to the Commercial Vehicle Administrative Office within seven (7) days of the completion of the review.

Authority: T.C.A. § 65-15-128. **Administrative History:** Original rule filed December 16, 2010; effective May 31, 2011.

1340-03-05-.06 OUT OF SERVICE CRITERIA.

- (1) Passenger Transportation Out Of Service Criteria (OOSC) Policy/Procedures
 - (a) The Department of Safety will follow all procedures as outlined in the North American Standard Out Of Service Criteria (OOSC). The complete procedure can be accessed on the Department of Safety's website at <http://tn.gov/safety/CVE/index.html>.

Authority: T.C.A. § 65-15-128. **Administrative History:** Original rule filed December 16, 2010; effective May 31, 2011.

1340-03-05-.07 PENALTIES FOR VIOLATIONS.

- (1) Pursuant to T.C.A. § 65-15-122(b) penalties for violations of this rule shall be as follows:
 - (a) Every officer, agent or employee of any corporation and every other person who knowingly fails to obey, observe or comply with any order, decision, rule, regulation, direction, demand or requirement of the department made in pursuance of the power and authority conferred by Chapter 15 of Title 65 of the T.C.A., commits a Class B misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500) or by imprisonment not to exceed six (6) months, or both, in the discretion of the court.
 - (b) Each day any such order, decision, rule or regulation, etc., of the department of safety is violated, is a separate offense.
 - (c) The fact that there may have been a prosecution for the violation of any such order, decision, rule or regulation, etc., of the department of safety does not operate to prevent or limit the commissioner of safety from requesting that the commissioner of revenue suspend or revoke the interstate permit or intrastate permit, or both, as provided in Chapter 15 of Title 65 of the T.C.A. and, upon receipt of such a request from the commissioner of safety, the commissioner of revenue shall immediately make the suspension or revocation requested.

Authority: T.C.A. §§ 65-15-122 and 65-15-128. **Administrative History:** Original rule filed December 16, 2010; effective May 31, 2011.