

ISSUE NUMBER

23-010-VEH

ISSUE NAME

Operational Policy 15 - Misc. Sun Visors Reference 393.3

STATUS

Closed

Vehicle Committee

NAME

Daniel Voelker

AGENCY

Arizona Department of Transportation

ADDRESS

1131 E Saguaro Drive
Globe, Arizona 85501
United States

PHONE

9282036772

EMAILdvoelker@azdot.gov**SUMMARY OF ISSUE**

In Operation Policy 15 the referenced regulation for sun visors can be slightly more difficult to explain to judges than other options

JUSTIFICATION OR NEED

In court.....the inspector needs to know the reading of the rule adoptions for thier respective state to see if 393.3 can be used as it mentions interstate operations. The inspector then needs to be able to articulate how the wording in 393.3 decreases safety as opposed to just using the 392.9a3 where even a justice court judge can understand it without further explanations. I have almost lost a 393.3 even after pointing everything out to the judge because the slick defense lawyer keep trying to throw it out for interstate and how it decreased safety.

I am not saying that they should remove 393.3 from operation policy 15, just add the option of 392.9a3 that reads exactly what the visors are doing.

REQUEST FOR ACTION

I would like 392.9a3 listed as an option for documenting visors that are blocking the view of drivers. The regulation reads :(3) The commercial motor vehicle's cargo or any other object does not obscure the driver's view ahead or to the right or left sides.

I am not requesting to remove 393.3, I would just like to add the option of 392.9a3.

Thank you.

ACTION TAKEN BY COMMITTEE

Committee members reviewed both regulation references and could see how both sections could apply. The committee felt there were a couple issues with making the edit to operational policy guidance. By adding a second reference, it creates a lack of uniformity as inspectors would then be recording the violation under different sections depending upon how they, or their jurisdiction, wanted to see it recorded. The other concern was that the vehicle equipment, which should be recorded under 393, is being recorded against the driver in 392. This does

happen with equipment used in the operation of the vehicle, such as the spare tire, but there is no reference in Part 393 that can be used for these violations. In this case, there is an appropriate 393 code that can be used. The committee felt that even though both sections could fit, the proper section is 393.3 and guidance should not be changed.