



# Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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December 7, 2023

Dear CVSA Members,

The purpose of this letter is to notify you of the results of the 2023 fall issues ballot and outline the approved changes to the 2024 North American Standard Out-of-Service Criteria (OOSC). The Commercial Vehicle Safety Alliance (CVSA) Bylaws require a majority of Class I Members vote in support of proposed changes in order for changes to the OOSC to take effect.

In 2023, 57 of the 70 Class I Member jurisdictions voted on the fall issues ballot. The voting members of the Alliance approved 11 changes to the OOSC, which will go into effect on April 1, 2024. In accordance with the CVSA Bylaws, the proposed changes were communicated to the voting members of the Alliance on Oct. 5, 2023, and were ratified on Oct. 20, 2023.

The 2024 OOSC will be reproduced on blue paper and the changes, denoted by an asterisk (\*), will be effective throughout North America starting on April 1, 2024. French and Spanish editions will also be available. The updated CVSA OOSC app will be available on April 1, 2024, in Apple and Google Play stores. Print and electronic copies of the 2024 edition of the "North American Standard Out-of-Service Criteria Handbook and Pictorial" will be available for purchase through the CVSA online store in February 2024. For a discount on bulk orders (50 or more), contact CVSA Membership Coordinator Iris Leonard at [iris.leonard@cvsa.org](mailto:iris.leonard@cvsa.org) or 202-998-1815.

These changes, as appropriate, will be incorporated into North American Standard Inspection training materials.

In addition, CVSA will host a webinar on Jan. 30, 2024, at 1 p.m. EST outlining the changes to the OOSC. [Registration](#) for the webinar is required. The webinar/presentation will be available for annual in-service/refresher training.

If you're unable to attend the webinar or are interested in viewing the recording of this webinar at a later time, CVSA members may view webinar archives through their online [CVSA member portal](#). Once logged in, click on the "CVSA Learning" tab, then click on "Roadside" at the top of the page. This webinar will be added approximately one week after it concludes.

The changes for 2024 are outlined on the following pages.

## **Table of Contents**

Changed to reflect the revisions contained in the April 1, 2024, edition of the OOSC.

### **Part I – North American Standard Driver Out-of-Service Criteria**

- 1. Action:** Amend the North American Standard OOSC, Part I, Item 3. COMMERCIAL DRIVER’S LICENSE, c. Endorsements and Restrictions by adding a note to provide clarity on the status of an HM endorsement when the driver’s TSA screening/HM determination is expired and the driver requires the HM endorsement.

**Rationale:** This note was added to clarify that if a driver fails to update their Transportation Security Administration (TSA) screening, the hazardous materials (HM) endorsement is no longer valid, regardless of the license’s expiration date. The note also states that a driver would be placed out of service if the driver is transporting HM in a quantity that requires placards.

- 2. Action:** Amend the North American Standard OOSC, Part I, Item 4. DRIVER MEDICAL/PHYSICAL REQUIREMENTS, b. Medical Certificate by removing the Class D license from Ontario from the note.

**Rationale:** An amendment was made to the note removing the Class D license from Ontario from a requirement for providing additional evidence of compliance with medical requirements. The reference to Ontario Class D licenses was removed because a cyclical renewal of the medical certification is now required and incorporated into that class of license.

- 3. Action:** Amend the North American Standard OOSC, Part I, Item 7. DRUGS AND OTHER SUBSTANCES, c. Prohibited from Performing Safety-Sensitive Functions to add the new violation code and a note.

**Rationale:** The Federal Motor Carrier Safety Administration (FMCSA) requested that the recent regulation code of 392.15 be used when drivers are found operating a commercial motor vehicle while prohibited in the Drug and Alcohol Clearinghouse. 392.15 is not currently available in the inspection software, so a note was added stating that 390.3(e) may be used until Nov. 18, 2024, to accommodate the addition of the updated regulatory code into the inspection software and to allow time for U.S. jurisdictions to adopt the current regulations.

- 4. Action:** Amend the North American Standard OOSC Part I, Item 7. DRUGS AND OTHER SUBSTANCES, c. Prohibited from Performing Safety-Sensitive Functions applicability table for CLP drivers.

**Rationale:** FMCSA confirmed that the table should also refer to commercial learner’s permit (CLP) holders in the “Current CDL Holder” section. It is not added to the “Former CDL Holder” because a former commercial driver’s license (CDL) holder would only have a non-CDL license not subject to the Drug and Alcohol Clearinghouse.

## **Part II – North American Standard Vehicle Out-of-Service Criteria**

5. **Action:** Amend the North American Standard OOSC Part II, Item 1. BRAKE SYSTEM, a. Defective Brakes, (5) Drum (Cam-Type and Wedge) Air Brakes, (a) to add missing cam shaft bushings to the 20% criterion.

**Rationale:** There was a situation where a missing bushing was discovered and due to how the camshaft was positioned in the spider casting, the brake was not out of adjustment and was still partially operative. There are no other conditions currently listed in the 20% defective brakes criterion that could address this issue.

6. **Action:** Amend the North American Standard OOSC Part II, Item 1. BRAKE SYSTEM, a. Defective Brakes, 20% Criterion and the End of 20% Criterion to add watermarks to better identify the 20% criterion and the 20% and OOS criterion relative to steering axle brakes.

**Rationale:** In the OOSC, Part II, Item 1. BRAKE SYSTEM, the only place that identifies which violations are to be included in the 20% calculation for defective brakes is at the end of the 20% criterion. The Vehicle Committee agreed that a watermark on the side would be a good visual indicator for Items 1.a. and 1.b. It was also determined that additional verbiage would be helpful at the end of the 20% criterion indicating that the remaining out-of-service (OOS) conditions are not part of the 20% criterion and are stand-alone OOS violations.

7. **Action:** Amend the first paragraph of the note in the North American Standard OOSC Item 1. BRAKE SYSTEMS, q. Performance-Based Brake Test by changing the requirement of retesting the vehicle from “shall” to “may” to allow for inspector discretion.

**Rationale:** The OOSC noted that if a performance-based brake test (PBBT) was available, the vehicle was required to be retested on the PBBT. This requirement to bring a vehicle back for a re-inspection created a traffic hazard at some inspection locations due to the layout of some inspection pull-off locations. The retest should still be done, where possible, but may not be done in certain situations.

8. **Action:** Amend the North American Standard OOSC Part II, Item 3. COUPLING DEVICES, c. Pintle Hooks, (1) and g. Hitch Systems (Excluding Fifth Wheels and Pintle Hooks), (1) by adding latches that are not in use and ball hitches that are mismatched with the receiver.

**Rationale:** This amendment was the result of a situation where the combination was inspected and the pintle hook disconnected. The full trailer was connected by the safety chains and wedged under the bumper. In addition to being uncoupled at the time of inspection, ball and coupler type connections are found with mismatched connections, such as the wrong size ball or receiver hitch.

9. **Action:** Amend the North American Standard OOSC Part II, Item 9. LIGHTING DEVICES (HEADLAMPS, TAIL LAMPS, STOP LAMPS, TURN SIGNALS AND LAMPS/FLAGS ON PROJECTING LOADS), a. When Lights Are Required To Be On by adding clarifying language to the title indicating that the lights not being turned on does not constitute an OOS condition.

**Rationale:** It was determined that a vehicle traveling down the road is not currently being inspected. If the lights are operational upon inspection and no mechanical issues are found with the vehicle, it would be punitive to put the vehicle out of service. Every state, province and territory have jurisdictional regulations for a driver operating the vehicle without activating the lights when they are necessary. In this case, the driver should be cited, and the violation should be noted as a traffic violation on the inspection report.

**10. Action:** Amend the North American Standard OOSC Part II, Item 9. LIGHTING DEVICES (HEADLAMPS, TAIL LAMPS, STOP LAMPS, TURN SIGNALS AND LAMPS/FLAGS ON PROJECTING LOADS) by adding a note applicable to the entire item.

**Rationale:** The note clarifies that required lighting that is operational but outside the scope of the requirements of 393.11/National Safety Code (NSC) Standard 11B for issues such as height, lens color or position are in violation; however, if the required lighting is still operational, the vehicle should not be placed out of service.

**11. Action:** Amend the North American Standard OOSC Part II, Item 12. TIRES, b. Tires Other Than Those Found on the Front Steering Axle(s), (1) and add a new (2) resulting in the renumbering of the rest of Item 12.b.

**Rationale:** With the increase in automatic tire inflation systems (ATIS) and the impact they have on the reduction of tire blowouts, the OOSC will differentiate between leaks in the tread area of a tire equipped with ATIS versus a tire without ATIS. If, at any time throughout the inspection, the tire is checked for pressure and the tire is found to be 50% or less of the maximum inflation on the sidewall of the tire, the vehicle will be placed OOS. Allowing an ATIS-equipped vehicle to travel to a safe location (next dispatch) with a small puncture in the tread area of the tire reduces the potential for rear-end collisions or other roadside incidents without affecting the safe operation of the vehicle.

### ***Inspection Bulletins***

Inspection bulletins were updated to reflect the new and updated bulletins since the April 1, 2023, edition of the OOSC.

### ***Appendix***

The appendix was changed to reflect the revisions made to operational policies and inspection procedures since the April 1, 2023, edition of the OOSC.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures, as well as to help facilitate and implement best practices for enhancing safety on our highways. We appreciate your continued participation and involvement in the activities of the Alliance.

If you have any questions or need assistance accessing the materials, contact CVSA Director of Inspection Programs Kerri Wirachowsky at [kerri.wirachowsky@cvsa.org](mailto:kerri.wirachowsky@cvsa.org) or 202-998-1650.

Respectfully,



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