



# Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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December 9, 2022

Dear CVSA Members,

The purpose of this letter is to notify you of the results of the 2022 fall issues ballot and outline the approved changes to the 2023 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 2022, 58 of the 70 Class I Member jurisdictions voted on the fall issues ballot. The voting members of the Alliance approved nine changes to the OOSC, which will go into effect on April 1, 2023. In accordance with the CVSA Bylaws, the proposed changes were communicated to the voting members of the Alliance on Oct. 10, 2022, and were ratified on Oct. 21, 2022.

The 2023 OOSC will be reproduced on yellow paper and the changes, denoted by an asterisk (\*), will be effective throughout North America starting on April 1, 2023. French and Spanish editions will also be available. The updated CVSA OOSC app will be available on April 1, 2023, in Apple and Google Play stores. Print and electronic copies of the 2023 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 2023. 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.

The CVSA Training Committee, the Education Quality Assurance Team (EQAT) in Canada and the National Training Center (NTC) in the U.S. will incorporate these changes, as appropriate, into the North American Standard Inspection training materials.

In addition, CVSA will host a webinar on Jan. 26, 2023, at 1 p.m. EST outlining the changes to the April 1, 2023, 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 2023 are outlined on the following pages.

## **Table of Contents**

Changed to reflect the revisions contained in the April 1, 2023, 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 4. DRIVER MEDICAL/PHYSICAL REQUIREMENTS – b. Medical Certificate (4) by removing a section of the paragraph to provide more clarity.

**Rationale:** This amendment was intended to make the OOSC language clearer. The committee unanimously agreed to remove a portion of the section to make it simpler and easier to understand.

- 2. Action:** Amend the North American Standard OOSC, Part I, Item 7. DRUGS AND OTHER SUBSTANCES – b. Shall Not be Under the Influence by adding language for use within the previous 24 hours.

**Rationale:** An amendment was made to the existing section and a clarifying note added to include drivers that have used drugs or other substances within the previous 24 hours. This language mirrors the language in the OOSC for alcohol violations when a driver provides self-admission of use within 24 hours.

- 3. Action:** Amend the North American Standard OOSC, Part I, Part I, Item 9. U.S., Item 10. CANADA, Item 11. MEXICO - DRIVER'S RECORD OF DUTY STATUS to clarify the OOS condition for a false record of duty status.

**Rationale:** This amendment is intended to provide clear and precise guidance to when a driver should be declared OOS for a false record of duty status. Several issue/requests for action have been received over the years in relation to the interpretation of the current OOSC as it relates to false RODS. Inspectors were interpreting this section different ways; therefore, clarification was needed. Furthermore, the OOSC Policy Statement directs inspectors to remove "imminent hazards" from roadways and is not intended to be a punitive measure. The "imminent hazard" exists when a driver is concealing a current hours-of-service limitation at the time of the inspection and should be placed out of service. Falsifications that occurred on previous dates, prior to a valid/confirmed qualifying rest period, do not pose an imminent hazard to the public and should not be placed out of service. In addition, the footnotes were cleaned up, "Removed and Reserved" was removed, and the old Footnote 2 was moved up to the applicable section to assist inspectors as it is only relevant to that section.

Canadian and Mexican sections were also updated to reflect the same. Canada and Mexico also removed the reference to the OOSC for lack of supporting documents, as the regulations in those countries don't support that OOS condition.

- 4. Action:** Amend the North American Standard OOSC Part I, Item 9. DRIVER'S RECORD OF DUTY STATUS – U.S. – Footnote 10 to clarify when a RODS is OOS for not being able to print or sign.

**Rationale:** The current Interpretation 28 in the FMCSRs for CFR 395.8 indicates electronic RODS that are not an ELD or AOB RD must be electronically signed or printed and manually signed. All documents required by CFR 390-399 can be electronic, rather than paper, and as more documents and credentials are becoming digital, the OOSC should not require a document to be printed to not to be placed OOS. If the hours of service of the driver can be reviewed on the electronic display, the driver should not be placed OOS for no RODS as this does not constitute an imminent hazard.

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

5. **Action:** Amend the North American Standard OOSC Part II, Item 1. BRAKE SYSTEMS – a. Defective Brakes, (6) Air Disc Brakes (d), (7) Hydraulic and Electric Brakes (e) and b. Front Steering Axle(s) Brakes, (3) Air Disc Brakes (e), (4) Hydraulic Brakes (e) to clarify the severity of rust required on a rotor to be included in the 20% brake criterion.

**Rationale:** An issue/request for action was received requesting clarification of the OOS condition for rusted rotors. Based on the current language, there was an allowance for inspector judgement on how much rust on a brake rotor is considered a defective brake. The original intent was to have a means to identify an inoperative brake on one side or the other of the rotor. The language needed to be amended for air disc brakes and hydraulic brakes for all brakes, including the steering axle. By adding the additional language of “across the entire rotor,” the clarification for the severity of the rusting is clearer.

6. **Action:** Amend the North American Standard OOSC Part II, Item 2. CARGO SECUREMENT – e. (3) and f. NOTE to clarify that there is nothing in the FMCSR or NSC Standard 10 dictating the placement of tiedowns on cargo.

**Rationale:** The FMCSR 393.110 (b)(3) and NSC Standard 10 state that two tiedowns are required if the article is longer than 10 feet (3.04 meters), and one additional tiedown **FOR** every 10 feet (3.04 meters) of article length, or fraction thereof, beyond the first 10 feet (3.04 meters) of length.

The language in the regulation and standard states “**for**” and not “**in**” or “**within**,” therefore, the notes in the OOSC under this section are unclear and can be interpreted to be differing from the regulation. The Note indicates that the correct number is all that can be enforced.

7. **Action:** Amend the North American Standard OOSC Part II, Item 9. LIGHTING DEVICES (Headlamps, Tail Lamps, Stop Lamps, Turn Signals and Lamp/Flags on Projecting Loads), a. When Lights are Required by adding “To Be On” to the title.

**Rationale:** The current language of “When lights are required” leads some inspectors to believe that if lights are required by the regulation, they are OOS when not operating. The intent of the OOSC is that the headlamps, tail lamps and lamps on projected loads are only OOS when they are required to be on. The addition of “to be on” to the title will assist in clarifying the OOSC.

8. **Action:** Amend the North American Standard OOSC Part II, Item 11. SUSPENSION – d. Suspension Connecting Rod and Tracking Component Assembly by adding clarifying language for spring hangers and equalizers.

**Rationale:** This section was amended to provide clearer language that a spring hanger and/or equalizer is out of service if it is cracked, loose, broken or missing due to it being a connection point for other tracking components.

9. **Action:** Amend the North American Standard OOSC Part II, Item 11. SUSPENSION – d. Suspension Connecting Rod and Tracking Component Assembly by adding a diagram for further clarification of parts and how they apply to the OOSC.

**Rationale:** With the section amendment for Item 11.d.(1), it was determined that a diagram indicating components, and also pointing to the appropriate sections of the OOSC, would be useful to accurately interpret the OOSC and assist enforcement and industry.

## ***Inspection Bulletins***

Inspection bulletins were changed to reflect the updated bulletins since the April 1, 2022, edition of the OOSC.

## ***Appendix***

The appendix was changed to reflect the revisions made to operational policies and inspection procedures since the April 1, 2022, 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,

A handwritten signature in black ink, appearing to read "Collin B. Mooney".

Collin B. Mooney, MPA, CAE  
Executive Director  
Commercial Vehicle Safety Alliance