



U.S. Department  
of Transportation

# Memorandum

**Federal Motor Carrier  
Safety Administration**

**SP-06-002-CE**

**Subject: ACTION: Guidance on State-conducted  
Motorcoach Inspections**

**Date:** APR 27 2006

**From:** Dan Hartman

*for Will O'Quinn*  
Associate Administrator for Enforcement  
and Program Delivery

**Reply to**

**Attn of: MC-ESS**

**To: Field Administrators  
Division Administrator  
MC-E Office Directors and Division Chiefs  
National Enforcement Team  
National Training Center**

This memorandum provides guidance on the implementation of Federal Motor Carrier Safety Regulations (FMCSRs) pertaining to motorcoach inspections.

## **BACKGROUND**

On August 10, 2005, the Safe, Accountable, Flexible, Efficient, Transportation, Equity Act: A Legacy for Users (SAFETEA-LU) was enacted as Public Law 109-59. Section 4106 (7) of SAFETEA-LU prohibits Motor Carrier Safety Assistance Program (MCSAP) funded inspections to be conducted on commercial motor vehicles (CMVs) transporting passengers at any location other than a location where passengers can be safely off-loaded from the vehicle. The language is as follows:

*"49 U.S.C. Section 31102(b)(1)(X,) except in the case of an imminent or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, Dr other location where a motor carrier may make a planned stop."*

## **GUIDANCE**

In order to meet the Congressional intent of this language, inspections conducted on CMVs transporting passengers will not be eligible for reimbursement under MCSAP unless the activity is conducted at a fixed inspection facility such as a weigh station,

motorcoach terminal, border crossing, motor carrier maintenance facility, destination, or other location where a motor carrier may make a planned stop. The location of the inspection must be able to reasonably and comfortably accommodate all passengers discharged from the bus during the inspection, including providing proper facilities for any disabled passengers.

The only exceptions to these prohibitions are in the case of an imminent or obvious safety hazard. Imminent or obvious safety hazards are defined as follows:

- A CMV transporting passengers being operated in an unsafe manner;
- A CMV transporting passengers emitting excessive smoke from the engine compartment or any other condition that would likely indicate a potential or present danger from fire;  
or
- Any observed violation of a CMV transporting passengers which would cause the vehicle to be placed Out of Service under the North American Standard OOS Criteria such as:
  - A flat tire;
  - Inoperative stop lamps (both must be inoperative);
  - Inoperative rear directional lamp (either);
  - Smoking from a wheel hub assembly;
  - Inoperative driver's side windshield wiper during inclement weather; or
  - Inoperative head lamps when required.

This policy does not apply to inspections of empty motorcoaches, or to traffic enforcement activity that is not accompanied by a safety inspection.

#### **IMPLEMENTATION DATE**

This policy is effective immediately. For further information, please contact Michael J. Lamm, Division Chief of State Programs, or email him at [mike.lamm@dot.gov](mailto:mike.lamm@dot.gov).