



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Memorandum

## SP-99-003-IN

Subject California Uploading Out-of-Service Data  
From Director, Office of Motor Carrier  
Safety and Technology  
To Mr. Glenn Beck  
State Director, Office of Motor Carriers  
Sacramento, California

Date October 26, 1998  
(stamped)

Reply to  
Attn of HSA-30

Sgt. Meg Planka, California Highway Patrol, requested information regarding uploading into SAFETYNET, certain out-of-service (OOS) violations. Her question is, "Should we note only OOS as defined by the CVSA North America Uniform Criteria or should all OOS be noted on the inspection form? There are no CVSA OOS criteria related to size and weight, but our department has its own OOS policy. We have been contacted by motor carriers that believe that just because we place a vehicle OOS, it should not be noted as such on their SAFETYNET inspection unless the OOS was based on the CVSA criteria." Sgt. Planka's question raises two issues, both of which are addressed here.

The current Uniform OOS does not contain a provision for placing a vehicle OOS for a size/weight violation. However, a vehicle deemed to be operating in an unsafe condition, as defined in 49 CFR 396.7, can be placed OOS. The fact that a vehicle is being operated without a required permit does not necessarily make it an unsafe vehicle on the road. If the carrier obtains the required permit, can the vehicle continue its way without alteration, such as off-loading or other corrective measures? If so, no "unsafe" category exists. For example, if the vehicle is rated for 50,000 pounds and is carrying 80,000 pounds, then probably this vehicle could not be issued a permit, depending on State laws, and could be deemed to be operating in an "unsafe condition." In this instance, the OOS guidelines for 396.7 could be applied.

In the interest of uniformity and equity to the motor carrier industry, States participating in the MCSAP program are required to follow national inspection and OOS standards. Therefore, placing a vehicle OOS for a size/weight violation would not be allowed unless it were deemed unsafe as described above. Hence, if the violation does not meet the national OOS standard, then it should not be entered into SAFETYNET.

Rose A. McMurray