

7. Roadside Inspections

- **Accidents** — Post-accident inspections are standard procedure in many jurisdictions.
- **Random selection** — There's no way to avoid a random inspection. Drive long enough and you will get picked. But if you're "always" being targeted, there's probably another reason why!

In general, vehicles displaying a valid CVSA inspection decal are NOT selected for re-inspection unless a defect is observed, but a driver inspection may occur.

The Driver Inspection Process

During a driver inspection, the officer will conduct a basic interview with you to learn such things as where you started and where you're going, how long you've been on the road, whether you have already been inspected on this trip, and whether you've had any problems along the way.

The first sign of an hours-of-service violation is an ill or fatigued driver, which can lead to a citation for 392.3, *Ill or fatigued operator*, and possibly an out-of-service order.

The inspector will generally ask to see documents including:

- Your driver's license and other credentials;
- Your logs for today and the previous 7 days (your supporting documents usually come later – see below); and
- Shipment and vehicle documentation.

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“But I don’t have a log!”

Telling an officer that you don’t have a log will immediately raise suspicions. However, you may have a legitimate reason for not having a log:

- **If you’re using the 100- or 150-air-mile exception:** Tell the officer that you are eligible for a short-haul exception in section 395.1(e) and that you are keeping time records instead of logs. If he or she asks to see the time records, you can hand them over OR explain that you are not required to have them in the vehicle. The officer may then ask you some questions to verify that you are eligible for the exception, and/or may contact your employer to get your time records.
- **If you are eligible for another exception from logging or are exempt from all HOS rules:** Tell the officer that you are exempt from logging based on an exception, and then be prepared to defend that position. Know exactly where the exception is found in the rules (see Chapter 1).
- **If you are using an electronic logging system:** Explain that you are using electronic logs and tell the officer the options for reviewing your logs. If the device is not compliant with

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395.15, you may be asked to print your log onto paper.

- **If you are not operating a CMV:** Explain that your vehicle is not regulated as a commercial motor vehicle and therefore you are exempt from logging. Be prepared to defend that position by knowing exactly *why* it's not a CMV.

The inspector will generally review your logs and look for any problems that jump out, such as:

- Not being current to the last duty status change (your change in status to undergo the inspection itself is usually not considered the last change in duty status);
- A noticeable lack of any “on-duty” time, indicating falsification or a failure to inspect your vehicle(s);
- Long hours of work, possibly indicating a 60/70-hour violation (the inspector will generally NOT rely on your recap or monthly summary);
- No city/state information; and
- Constantly averaging a high rate of speed, indicating possible falsification.

If the inspector suspects a problem with your logs, he or she may then ask to see your supporting documentation, which should closely match the logs (some inspectors may give you some leeway here, but don't count on it).

The inspector also needs to accurately identify the motor carrier for whom you're driving, so the inspection results (including violations) can get assigned to the correct carrier. The carrier