



Motor Carrier Attachment

Texas Commercial Vehicle Enforcement Part 396

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HWY22FH002

(4 Pages)



Part 396 - Inspection, Repair, and Maintenance

General Requirements (396.3(a))

Every carrier shall systematically inspect, repair, and maintain all commercial motor vehicles under its control.

Record Keeping Requirements (396.3(b))

Motor carriers must maintain the following information for every vehicle they have controlled for 30 days or more:

- Identifying information, including company number, make, serial number, year, and tire size
- A schedule of inspections to be performed, including type and due date
- Inspection, repair, and maintenance records
- Records of tests conducted on buses with push-out windows, emergency doors, and marking lights.

Retention Requirements (396.3(c))

These records must be retained for one year at the location where the vehicle is garaged, and maintained for six months after the vehicle leaves the carrier's control (via sale, trade-in, or scrap).

Roadside Inspection Reports (396.9(d)(1) and (d)(2))

Any driver who receives a roadside inspection report must deliver it to the motor carrier. Motor Carriers must review the report and correct violations noted. You can receive an e-mail whenever one of your trucks is inspected by completing an MCS-32 form.

Certification of Roadside Inspection Reports (396.9(d)(3))

An official of the motor carrier is to examine the roadside inspection report and ensure that any violations or defects noted on the report are corrected. Within 15 days after the inspection, the carrier must sign the completed roadside inspection report to certify that all violations have been corrected, and then return it to the indicated address. A copy must be retained for 12 months from the date of inspection.

Post-Trip Inspection Report (396.11)

Every carrier must require its drivers to prepare a daily written post-trip inspection report at the end of each driving day. Every driver is responsible for preparing such a report for each vehicle driven. This report must cover at least the following parts and accessories:

- Service brakes (including trailer brake connections)
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rearview mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment



The report must list any condition that the driver either found or had reported to him/her that would affect safety of operation or cause a breakdown. If no defect or deficiency is reported or found, the report should state this. The driver must sign the report in all cases. Before dispatching the vehicle again, a carrier shall ensure that a certification has been made as to any defect or deficiency, that they have been corrected, or state those deficiencies do not require immediate correction. Carriers must keep the original post-trip inspection report and the certification of repairs for at least three months from the date of preparation.

Before starting out on the next trip, the driver must be satisfied that the motor vehicle is in safe operating condition. If the last vehicle inspection report notes any deficiencies, the driver must review and sign to acknowledge that necessary repairs have been completed.

Exceptions (396.11(d))

The rules in this section shall not apply to:

- a private motor carrier of passengers (non-business),
- a drive-away-towaway operation, or
- any motor carrier operating only one commercial motor vehicle.

Periodic Inspection (396.17)

Every CMV, including each segment of a combination vehicle requires periodic inspection that must be performed at least once every 12 months. At a minimum, inspections must include all items enumerated in the Minimum Periodic Inspection Standards of the FMCSR except if the motor carrier is subject to a mandatory state inspection.

Note: The term commercial motor vehicle includes each vehicle in a combination vehicle. For example, for a tractor semitrailer, full trailer combination, the tractor, semitrailer, and the full trailer (including the converter dolly if so equipped) shall each be inspected.

Documentation (report, sticker, or decal) of the most recent periodic inspection must be kept on the vehicle (396.17(c)).

Periodic Inspection Recordkeeping Requirements (396.21)

(a) The qualified inspector performing the inspection shall prepare a report which:

(a)(1) Identifies the individual performing the inspection;

(a)(2) Identifies the motor carrier operating the vehicle;

(a)(3) Identifies the date of the inspection;

(a)(4) Identifies the vehicle inspected;

(a)(5) Identifies the vehicle components inspected and describes the results of the inspection, including the identification of those components not meeting the minimum standards set forth in Appendix G to this subchapter; and

(a)(6) Certifies the accuracy and completeness of the inspection as complying with all the requirements of this section.

(b)(1) The original or a copy of the inspection report shall be retained by the motor carrier or other entity who is responsible for the inspection for a period of fourteen months from the date of the inspection report. The original or a copy of the inspection report shall be retained where the vehicle is either housed or maintained.

(b)(2) The original or a copy of the inspection report shall be available for inspection upon demand of an authorized Federal, State or local official.

(b)(3) **Exception.** Where the motor carrier operating the commercial motor vehicles did not perform the commercial motor vehicle's last annual inspection, the motor carrier shall be responsible for obtaining the original or a copy of the last annual inspection report upon demand of an authorized Federal, State, or local official.

Inspector Qualification (396.19)

Motor carriers must ensure that persons performing annual inspections are qualified as follows:

- understand the inspection standards of Part 393 and Appendix G of the FMCSR
- be able to identify defective components
- have knowledge and proficiency in methods, procedures, and tools.

Inspectors may have gained experience or training by:

- completing a State or Federal training program, or earning a State or Canadian Province qualifying certificate in commercial motor vehicle safety inspections
- a combination of other training or experience totaling at least a year.

Motor carriers must retain evidence of an inspector's qualifications until one year after the inspector ceases to perform inspections for the carrier.

Equivalent to Periodic Inspection (396.17 - 396.23)

A commercial motor vehicle (CMV) registered in Texas (having a Texas license plate) must meet periodic inspection requirements through the Texas, or another approved state, CMV inspection program. The following equivalents listed in the federal regulations only apply to carriers in states without a mandatory inspection program:

- Self-inspection by qualified employee; or
- Third party inspection by qualified individual

Brake Inspector Qualification (396.25)

The motor carrier is responsible for ensuring that all inspections, maintenance, repairs, and service to brakes of commercial motor vehicles comply with these regulations. The carrier must ensure that the employees responsible for brake inspection, maintenance, service, or repairs meet minimum brake inspector qualifications.

The brake inspector must:

- understand and be able to perform the brake service and inspection.
- know the methods, procedures, tools and equipment needed; and
- be qualified to perform brake service or inspection by training and/or experience.

Qualifying brake training or experience includes successful completion of:

- a State, Canadian Province, Federal agency, or union training program,
- a State-approved training program,
- training that led to attainment of a State or Canadian Province qualifying certificate to perform assigned brake service or inspection tasks, including passage of CDL air brake tests in the case of a brake inspection, or
- one year of brake-related training, experience, or combination of both.

Motor carriers must maintain evidence of brake inspector qualification at the principal place of business or the location where the inspector works. Evidence must be retained for the period during which the brake inspector is employed in that capacity, and for one year thereafter.

