

	STANDARD OPERATING PROCEDURE State Form 39870(R/S-06)	Reference Number CVE-007
	Subject Commercial Motor Vehicle Crashes – Safety Inspections and Investigations	
	Special Instructions Replaces CVE-008 dated December 15, 2009	Effective Date January 15, 2015

I. **PURPOSE**

Establish guidelines for Department personnel to conduct post-crash Motor Carrier Safety Assistance Program (MCSAP) inspections and investigations.

II. **POLICY**

Certified MCSAP personnel shall be responsible for completing post-crash MCSAP safety inspections and in-depth safety investigations when a CMV is involved in a traffic crash as specified in this procedure.

III. **DEFINITIONS**

A. Commercial Motor Vehicle (CMV) – Any self-propelled or towed vehicle used on public highways in interstate or intrastate commerce to transport passengers or property when:

1. The Gross Vehicle Weight Rating (GVWR) or Combination Gross Vehicle Weight Rating (CGVWR) is 10,001 pounds or more or the actual gross vehicle weight (GVW) or actual combined gross vehicle weight (CGVW) is 10,001 pounds or more (exception: non-CDL vehicles used as private intrastate carriers as defined in 8-2.1-2403[6]); or
2. The vehicle is designed or used to transport more than (eight) 8 passengers, including the driver, for compensation; or
3. The vehicle is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
4. The vehicle is used in the transporting of material found by the Secretary of Transportation to be hazardous under [49 U.S.C. 5103](#) and transported in a quantity requiring placarding under regulations prescribed by the secretary under [49 CFR, subtitle B, chapter I, subchapter C](#).

B. Crash – For the purpose of this procedure, a crash is a harmful occurrence involving the use or operation of a CMV on a traffic way involving property damage, personal injury, or death.

C. Release of hazardous material – Hazardous material that has been released from a shipping container or package intended for delivery, while being transported by a CMV. However, it does not include material being carried and/or used as a fuel for the transporting vehicle(s).

D. Post-crash investigation – Complete in-depth study of the commercial driver, vehicle, and responsible company operations that may have contributed to the cause of a crash including, but not limited to:

1. Basic reconstruction of the incident;
2. Driver and vehicle inspection;
3. Complete inventory of a driver and passenger compartment, including sleeper berth; and
4. Analysis for drug and/or alcohol consumption.

E. Post-crash inspection – Basic North American Standard Driver/Vehicle (Level I/III)
Inspection of any commercial vehicle and/or driver involved in a crash.

F. Qualified police personnel – An ISP police employee who has successfully completed the Federal Motor Carrier Safety Regulations (FMCSR).

G. Qualified civilian personnel – An employee of the Department other than police personnel who has successfully completed the FMCSR.

IV. **PROCEDURE**

A. The Commander of the Commercial Vehicle Enforcement Division (CVED) may require a post-crash MCSAP safety inspection or post-crash investigation be conducted on any ISP investigated crash or incident involving a commercial motor vehicle.

B. Post-crash/incident inspections shall be conducted when requested by ISP personnel. Requests from outside agencies shall be considered on an individual basis in priority manner.

C. Post-crash investigations shall be completed only by qualified police personnel, following Department and FMCSR guidelines, when a CMV is involved in a crash or incident resulting in:

1. The death of any person; or
2. Serious injuries, occurring to one or more persons as a direct result of the crash or incident.

D. Post-crash investigations may also be conducted in conjunction with, or in addition to, a post-crash inspection or when one of the following criteria has been established:

1. A compliance review audit is deemed necessary;
2. Documents or other pertinent items are confiscated relative to prosecution;
3. The driver of a CMV has been arrested and incarcerated for driving while under the influence or possession of alcohol or a controlled substance, as described in Appendix D of the Federal Motor Carrier Safety Regulations, Part [392.4](#) or [392.5](#); or
4. At the discretion of the CVED Commander or district commander.

E. Post-crash/incident inspections may be conducted by any qualified ISP police or civilian personnel, following Department and FMCSR guidelines, when:

1. The circumstances of a crash involving a CMV are questionable;
 2. A large amount of property is damaged due to CMV involvement; or
 3. In conjunction with an in-depth post-crash investigation, as required in Paragraph C above.
- F. The inspection levels required for a CMV involved crash or incident:
1. When a minor crash occurs, which appears to be driver related only, a Level III inspection may be conducted by a certified inspector; or
 2. If the crash results in a fatality, serious personal injury, or there is an alleged or suspected vehicle malfunction, a complete Level I inspection should be conducted.
- G. Any investigative reports, field notes, or case reports directly associated with post-crash investigations may be released to the public only in accordance with Department regulations.
- H. Districts investigating a CMV crash; involving, either a fatal or personal injury and/or a hazardous material; shall notify Operations immediately. Operations shall document the notification on the Operations Log. CVED shall utilize the log and notify the FMCSA.
- I. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies and procedures.