



Chapter: Member Conduct and Authority
Subject: 02-43 – Commercial Vehicle Enforcement Personnel Duties
Effective: April 19, 2022
Supersedes: Official Order 44, dated July 8, 2020
Distribution: Department Members

PURPOSE: The Director is empowered to appoint motor carrier officers pursuant to [MCL 28.6d](#) and to organize such officers within the CVED pursuant to [MCL 28.4](#). This Order establishes the duties and responsibilities of CVED enforcement personnel and specifies the on-duty arrest authority/powers of motor carrier officers assigned to the CVED. For purposes of this Order, where mentioned, the term motor carrier officer also includes motor carrier investigator.

02-43-1 FUNCTIONS

The primary function of motor carrier officers is enforcement of the general laws of this state as they pertain to commercial vehicles. This function is accomplished in the following manner:

- A. Enforcing all state laws which apply to commercial vehicles, including the inspection of commercial vehicles.
- B. Deterring crimes and promoting traffic safety through high visibility enforcement activities.
- C. Providing services of the department to any person in need, such as safety, protection, first aid or general assistance, within the scope of their authority and training.
- D. Assisting the School Bus Inspection Unit with the inspection of school buses as directed.
- E. Enforcing hazardous materials transportation regulations and response to hazardous materials incidents as requested by the incident commander.
- F. Assisting troopers and other law enforcement officers as directed.
- G. Enforcing all other laws within the authority of motor carrier officers.
- H. Protecting homeland security through transportation security initiatives.
- I. Completing commercial vehicle crash investigations, vehicle, and driver inspections, and UD-010 crash reporting forms on commercial vehicle crashes.

02-43-2 LIMITED ARREST AUTHORITY AND ADDITIONAL RESPONSIBILITIES

- A. Motor carrier officers have limited arrest authority while on duty. This arrest authority extends to all sections of law motor carrier officers are empowered to enforce within [MCL 28.6d](#) which occur anywhere in the state of Michigan.
- B. [MCL 28.6d\(2\)](#) provides that motor carrier officers, while on-duty, may arrest a person without a warrant if one or more of the following circumstances exist:
 - (1) The person commits an assault and battery against the motor carrier officer or against another person in the presence of the motor carrier officer.
 - (2) The motor carrier officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person committed it.
 - (3) The motor carrier officer has received and confirmed that a peace officer or law enforcement agency holds a warrant for the person's arrest.
 - (4) The person commits a civil infraction or misdemeanor in violation of one or more of the following:
 - a. [MCL 257.625](#) - Operating While Intoxicated
 - b. [MCL 257.716-257.726](#) - Size, Weight and Load
 - (5) The person commits a misdemeanor or felony in violation of [MCL 750.377-750.394](#) – (Malicious Destruction of Property).
- C. When directed to assist troopers or other law enforcement officers, or arriving first on scene, a motor carrier officer shall take action within their arrest authority as prescribed in [MCL 28.6d](#).
- D. Motor carrier officers are authorized to serve subpoenas and obtain and execute search warrants for violations within their established authority, or as directed by CVED command within its established authority.

02-43-3 CHAIN OF COMMAND/RESPONSIBILITY

- A. The CVED commander is responsible to the Field Operations Bureau commander.

The CVED commander shall be responsible for the following:
 - (1) Personnel actions (e.g., performance appraisals, discipline, training, grievance resolution, presentation of citations, etc.).
 - (2) Ensuring the timely completion of worksite inspections pertaining to CVED operations.
 - (3) Ensuring the proper maintenance of vehicles and equipment assigned to and utilized by all CVED personnel.
- B. The assistant CVED commander(s) are responsible to the CVED commander.
- C. District motor carrier lieutenants shall report to the assistant CVED commander(s) for operational and administrative supervision.

District motor carrier lieutenants, or designees, shall:

- (1) Keep the division and district commander informed of important developments and unusual occurrences involving commercial vehicles and school buses within their district area and provide recommendations relating to such matters.
 - (2) Provide administrative and operational supervision, as defined in written directives related to administrative organization for all CVED personnel assigned to their district.
 - a. CVED specialists (e.g., vehicle safety inspectors, safety auditors), and motor carrier investigators assigned to field operations shall be provided supervision from the district lieutenant and the worksite motor carrier sergeant. Program support will be provided by the Special Programs Section.
 - b. Although CVED supervisors have primary responsibility for operational and administrative supervision of division members assigned to various posts, it is recognized that post commanders or their designees must have the ability to provide supervision in certain instances. These instances include, but are not limited to:
 - i. Evidence storage in property room and associated reports
 - ii. Incident and arrest numbers and cash receipt books
 - iii. Adherence to post and regional dispatch center policies and procedures
 - iv. Ensure appropriate appearance, personal grooming, attendance, and timely reporting to work.
 - c. The split role of supervision, as described above, is necessary due to geographic areas and staffing patterns. It is important and necessary for post commanders and district motor carrier lieutenants to communicate mutual areas of concern. Unresolved issues shall be processed through the chain of command.
 - d. Work schedules and approval of sick and annual leave is the responsibility of the motor carrier district lieutenant. However, all CVED members shall notify their worksite supervisor, or designee, of any changes in their work schedule or before the use of sick and annual leave.
- D. Motor carrier sergeants shall report to the motor carrier district lieutenant for administrative and operational supervision as defined in written directives related to administrative organization. Post commanders must have the ability to provide supervision to motor carrier sergeants assigned to their posts in certain instances. These instances include, but are not limited to, those listed in section C. (2). b above.

Motor carrier sergeants assigned to districts and posts shall:

- (1) Notify the motor carrier district lieutenant and post commander of important developments and unusual occurrences involving commercial vehicles and school buses within their district and post areas and provide recommendations relating to these matters.
- (2) Provide operational and administrative supervision to all CVED personnel assigned to their area of responsibility.
- (3) Investigate internal or sensitive complaints, as assigned by division command.
- (4) Supervise and assist in the investigation of complaints by subordinate officers.

- (5) Communicate mutual areas of concern with post commanders and sergeants in their assigned area of responsibility.
- E. Any command officer shall take immediate corrective action when it is warranted, regardless of where the CVED member is assigned. When practical, such action shall be administered through the chain of command within the CVED, and with proper notification to the respective post commander.

When corrective action is taken at a local level by a post commander or their designee, they shall notify the district motor carrier lieutenant for follow up.

- F. Motor carrier officers assigned to districts and posts shall:
 - (1) Notify the motor carrier sergeant or motor carrier district lieutenant, as well as post command staff, of important developments and unusual occurrences involving commercial vehicles and school buses within their post areas and provide recommendations relating to these matters.
 - (2) Complete assignments given to them by either CVED command staff or post command staff. Except in an emergency, post supervisors shall obtain approval from the CVED supervisor before assigning duties to motor carrier officers.
 - (3) Develop and maintain communication on mutual areas of concern with post personnel.

02-43-4 OFF-DUTY RESPONSIBILITY

- A. While off-duty, motor carrier officers have arrest authority commensurate to a private citizen pursuant to [MCL 764.16](#).
- B. Motor carrier officers shall handle off-duty incidents in accordance with written directives related to code of conduct.

02-43-5 INCIDENT REPORTING

- A. Motor carrier officers shall complete all required incident reports in accordance with applicable policy and procedure.
- B. Motor carrier officers receiving information regarding incidents outside their statutory authority shall, as soon as practicable, forward the information to the appropriate authority.

02-43-6 PRIVILEGES AND IMMUNITIES

- A. While on duty, motor carrier officers are, by definition, enforcement members of the Michigan Department of State Police.
- B. Motor carrier officers shall have all the protection afforded any member when acting in good faith, within their authority, and in accordance with the provisions of this Order.

02-43-7 DIVISION POLICY

The CVED commander shall develop and implement written policies relating to the functions of motor carrier officers.

DIRECTOR

Annual Review Responsibility: Commercial Vehicle Enforcement Division

Accreditation Standards: CALEA 11.1.1 and 61.1.5 E