



## MAINE STATE POLICE GENERAL ORDER

E-145

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING COMMERCIAL MOTOR VEHICLE INSPECTIONS AND ENFORCEMENT

**EFFECTIVE DATE:** 04.12.2024

**EXPIRATION DATE:** 04.12.2031

**RECENT HISTORY:** UPDATED (4.12.2024), NEW (08.18.2021)

**DISTRIBUTION CODE:** 2 (MAY BE PUBLICLY DISCLOSED)

**APPLICABILITY CODE:** S, Z

**SIGNATURE  
OF  
COLONEL:**

A handwritten signature in black ink, appearing to read "W. B. R.", is written over a light blue background.

### I. PURPOSE

1. The purpose of this General Order is to establish the policy generally governing commercial motor vehicle (CMV) inspections.

### II. POLICY

1. The Maine State Police (MSP) is committed to the unbiased and equitable treatment of all persons and to establishing uniform guidelines through this policy for the selection of CMVs for inspection.

2. MSP Commercial Motor Vehicle Enforcement Unit (CVEU) personnel are committed to enhancing public safety through the consistent and objective enforcement of laws, rules, and regulations relating to CMVs.
3. MSP Commercial Motor Vehicle Enforcement Unit (CVEU) is committed to partnering and subscribing to enforcement policies and procedures created collaboratively with the Commercial Vehicle Safety Alliance (CVSA).
  - A. MSP Commercial Vehicle Enforcement Unit (CVEU) personnel shall follow the Inspection Certification and Maintenance process as outlined in the CVSA Operational Policy 4 (see Addendum A).
  - B. MSP Commercial Vehicle Enforcement Unit (CVEU) supervisors (or the Troop Lieutenant designee) shall ensure, on an annual basis (Federal Fiscal Year), that members assigned to the CVEU have met standards for each of their Federal Certifications per CVSA Operational Policy 4 (see addendum A).
4. The policy of the MSP and CVEU is to concentrate CMV inspection efforts on those CMVs that have a negative impact on traffic safety.
  - A. Inspections shall only be conducted by Commercial Vehicle Safety Alliance (CVSA) certified employees or contract employees utilizing the North American Standard inspection process set forth by the CVSA.

### **III. DEFINITIONS**

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
  - B. Commercial Motor Vehicle. "Commercial Motor Vehicle" (CMV) has the same meaning provided at 29-A M.R.S. § 101, sub-§ 17 – namely:
    1. A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
      - a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit or units with a gross weight rating of more than 10,000 pounds;
      - b. Is a bus;
      - c. Is of any size and is used in the transportation of any materials that have been designated as hazardous under 49 United States Code, Section 5103 and require placarding under the federal Hazardous Materials Transportation Act and related regulations in 49 Code of Federal Regulations, Part 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42 Code of Federal Regulations, Part 73; or

- d. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds.
- C. Motor carrier. “Motor carrier” has the same meaning provided at 29-A M.R.S. § 101, sub-§ 37 – namely, “a contract carrier, a common carrier or a private carrier of property or passengers by motor vehicle.”

#### **IV. PROCEDURE**

##### **1. GENERAL**

- A. The CVEU shall comply with Maine statutes that grant authority to the CVEU to conduct the inspections and or weighing of vehicles, as well as to all applicable regulations and MSP policies.
- B. Pursuant to 29-A M.R.S. §555 allows for the Maine State Police (CVEU) sworn and non-sworn members to enforce any rules adopted pursuant to that provision of law, which requires that anyone enforcing that provision of law and regulations promulgated pursuant thereto must be certified by Maine State Police as qualified for the enforcement activities.
- C. 29-A M.R.S. §555, and the regulations adopted by the Maine State Police pursuant thereto, permits CVEU personnel to inspect CMV documents and equipment – including, but not limited to, the books, records, and other data of a manufacturer, shipper, or motor carrier – during business hours or at any time if it is for the purposes of performing a Federal Motor Carrier Safety Administration Inspection.
- D. Administrative actions, including commercial vehicle inspections, do not require probable cause or reasonable suspicion; however, the practice of the MSP CVEU is to identify vehicles for inspection based on factors articulated in this policy.
- E. 29-A M.R.S. §2358, sub-§2 authorizes CVEU officers to require CMVs to stop at designated weight stations for the purpose of enforcing motor vehicle laws.
  - 1. A CMV that fails to stop when requested to do so commits a civil violation.
- F. Special agents of the FMCSA who are only approved to enforce driver-only aspects of Maine statutes and applicable regulations promulgated pursuant thereto must have reasonable, articulable suspicion to stop a commercial motor vehicle.

##### **2. CRITERIA FOR SELECTION OF CMVs FOR INSPECTIONS AT WEIGH STATIONS AND DURING MOBILE OPERATIONS**

- A. Priority for inspections must be given to those situations in which there is an observed violation of law or regulations, including, but not limited to, violations related to the driver or the vehicle (such as equipment or size violations and weight and load violations).
- B. When available, weigh stations must consistently use standardized electronic vehicle screening systems that utilize ISS carrier safety rating information.
  - 1. CMVs that are either poorly rated or have insufficient data must take priority in the inspection selection.
- C. On those occasions when CMV traffic patterns are minimal, CMVs with no valid CVSA decal may be selected for inspection.
- D. Vehicles displaying a valid CVSA decal will generally not be subject to re-inspection unless an equipment violation is observed or a driver violation is suspected.
- E. CVEU personnel shall not interrupt or otherwise disturb any driver of a CMV in an off duty or sleeper berth status when the CMV is legally parked, for the sole purpose of conducting a random inspection.

### 3. DOCUMENTATION

- A. All inspections must be documented through the INSPECT or equivalent inspection software program.
  - 1. Inspections must be uploaded as soon as possible, but no later than the end of the inspecting employee's shift.
  - 2. Inspections containing out-of-service violations must be uploaded immediately.
- B. Inspections, violations or crash reports which are challenged, or requested for review through the Federal Motor Carrier Safety Administration (FMCSA) DataQ/Request for Data Review (RDR) process will be handled as follows:
  - 1. All requests for Data Review should be reviewed in a timely fashion. The Troop Lieutenant or designee shall review on a weekly basis any and all DataQ's submitted by a Motor Carrier.
  - 2. In accordance with FMCSA goals, it shall be the goal of the Troop Lieutenant or designee to respond and investigate the DataQ within 10 days of receipt however, it will be this Troop's policy to respond no later than 30 days from date of submission.
  - 3. The Troop Lieutenant or designee shall consult with the inspector of the report in question and submit a response to the challenging Motor Carrier.

4. If after being denied their DataQ challenge, the Motor Carrier appeals the violation, it shall be the policy of the Maine State Police to employ the DataQ Review Council, which shall consist of 1 member from the Maine State Police (Enforcement), 1 member from Maine Motor Transport (Industry), and 1 member from the FMCSA Division Office in Augusta (Regulation). The DataQ Review Council shall meet upon request and, after hearing the challenge and evidence presented, determine by majority vote if the violation will stand or be removed.

4. **BIAS-MOTIVATED INSPECTIONS AND ENFORCEMENT STRICTLY PROHIBITED**

- A. The MSP CVEU is committed to the unbiased and equitable treatment of all persons in enforcing the law and providing services.
- B. Employees conducting motor vehicle enforcement, including CMV inspections, shall comply with Maine State Police General Order M-5, which prohibits biased-motivated policing of any type.
  1. The policy of MSP is to uphold and ensure full compliance with the non-discrimination requirements of the Civil Rights Act of 1964 (Title VI) and related non-discrimination authorities as identified in the FMCSA Title VI Program Assurance signed by the Colonel. Those authorities require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any MSP program or activity on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency.
- C. The MSP CVEU has adopted a Public Notice of Compliance with Title VI Program Rights that informs the public of the department's Title VI program assurances and responsibilities, and that public notice is posted for public access at the following link:  
<https://powerdms.com/link/MaineStatePol/document/?id=2964532>
- D. The MSP CVEU shall ensure that all of its programs and activities are operated in a nondiscriminatory manner.
  1. To monitor MSP CVEU's Title VI compliance, the MSP Office of Professional Standards shall perform annual reviews of all incidents and complaints of bias-based policing, and those reviews must be documented in a report and submitted to the Colonel for review and, when necessary, appropriate action.

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**