Subject: Safety Inspections		Policy Number: OPR: 57
Revision Number: 02	Effective Date: 11/17/2025	Original Issue Date: 09/25/2017

1) PURPOSE

a) The purpose of this policy is to standardize the procedures for conducting safety inspections on commercial motor vehicles and their drivers in accordance with the Commercial Vehicle Safety Alliance, Federal Hazardous Material Transportation Regulations, Federal Motor Carrier Safety Regulations, and NMSA 1978, Sections 65-3-1 through 65-3-13, and NMAC Title 18, Chapter 2, Part 3.

2) POLICY

a) It is the policy of the Department of Public Safety to conduct commercial motor vehicle safety inspections in an effort to reduce crashes by removing unsafe drivers and imminently hazardous commercial motor vehicles from New Mexico highways. It is also the policy of the Department to conduct these standardized inspections to promote public awareness and highway safety for the motoring public.

3) APPLICABILITY

a) This policy is applicable to all personnel seeking certification and those personnel that are certified through the Commercial Vehicle Safety Alliance North American Standard Procedures.

4) REFERENCES

a) NMAC, Title 18, Chapter 2, Part 3, Current Administrative Code
b) NMSA 1978, Chapter 65 Article 3, Current Statutes
c) US CFR 49, Volumes 2,3 and 5, Chapters 1 and 3, Current Promulgated Version
d) CVSA North American Standard Out-of-Service Criteria, Current Volume
e) CVSA North American Standard Out-of-Service Criteria for Transuranic Waste and Highway
f) Route Controlled Quantities (HRCQ) of Radioactive Material, Current Volume
g) Level/Inspection Procedure, Current CVSA Procedural Manual

h) Level 1 Passenger Vehicle Inspection Procedure Two Person Team, Current CVSA Procedural Manual
i) Level 1 Passenger Vehicle Inspection Procedure Three Person Team, Current CVSA Procedural Manual
j) Level 1/ Inspection Procedure, Current CVSA Procedural Manual
k) Level 1/2 Inspection Procedure, Current CVSA Procedural Manual Level V Inspection Procedure, Current CVSA Procedural Manual Level VI Inspection Procedure, Current CVSA Procedural Manual
l) Hazardous Materials/TOG Inspection Procedure, Current CVSA Procedural Manual
m) Cargo Tank/Other Bulk Packaging Inspection Procedure, Current CVSA Procedural Manual
n) CVSA Operational Policy 4-Inspector Training and Certification
o) CVSA Operational Policy 5-Inspection/CVSA Decals
p) CVSA Operational Policy 7-North American Standard Out of Service Criteria
q) CVSA Operational Policy 12-Cargo Seal Guidelines
r) CVSA Operational Policy 13-Selecting Vehicles for Inspection
s) CVSA Operational Policy 14-Enhancing Roadside Inspection and Enforcement Data Uniformity
t) CVSA Operational Policy 15- Inspection & Regulatory Guidance

5) DEFINITIONS

a) **Bulk Package –** Bulk packaging means a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment which has:
   i) A maximum capacity greater than one hundred nineteen (119) gallons as a receptacle for a liquid, or,
   ii) A maximum net mass greater than eight hundred eighty-two (882) pounds and a maximum capacity greater than one hundred nineteen (119) gallons as a receptacle for a solid, or,
   iii) A water capacity greater than one thousand (1000) pounds as a receptacle for a gas.
b) **Certified –** The term "certified" as used in this section means personnel who have successfully completed a training program approved by CVSA.
c) Commercial Motor Vehicle – Commercial Motor Vehicle (CMV) means the definition of Commercial Motor Vehicle in NMAC 18.2.3
d) **CVSA –** Commercial Vehicle Safety Alliance

e) **FMCSA –** Federal Motor Carrier Safety Administration
f) **Out-of-Service Criteria –** Uniform Out-of-Service Criteria published by CVSA
g) **Fixed Locations-** For the purpose of this policy Fixed Location will refer to Manned Port of Entries.
h) **Non-Fixed Locations-** For the purpose of this policy Non-Fixed Locations will refer to un-manned Ports of Entries.

6) OPERATIONAL PROCEDURES

The New Mexico Department of Public Safety is committed to promoting motor carrier safety in the state of New Mexico and conducting driver/vehicle safety inspections in accordance with CVSA policies and procedures.

a) NORTH AMERICAN STANDARD INSPECTION LEVELS

i) Refer to CVSA Operational Policy 5 Inspection/CVSA Decal

b) GENERAL POLICY FOR DRIVER / VEHICLE SAFETY INSPECTIONS

i) Refer to CVSA Operational Policy 5 Inspection/CVSA Decal
ii) Exception to Operational Policy 5 as allowed by DPS:
Level 1 safety inspections may be conducted by a single person provided that the individual deems it necessary at the time and safety can be assured for all persons involved.

c) CRITERIA FOR SELECTION OF CMV'S FOR INSPECTIONS AT PORTS OF ENTRY AND DURING MOBILE OPERATIONS

i) Priority for inspections will be given to those situations where there is an observed violation of law or regulations. This could be a violation related to the driver or the vehicle including equipment or size violations, or weight and load violation.
ii) When available, POEs will consistently use standardized electronic vehicle screening systems that utilize ISS carrier safety rating information. Those carriers that are either poorly rated or have insufficient data will take priority in the inspection selection.
iii) On those occasions when CMV traffic patterns are minimal, CMVs with no valid CVSA decal may be selected for inspection.
iv) Vehicles displaying a valid CVSA decal will generally not be subject to reinspection unless an equipment violation is observed or a driver violation is suspected.

v) 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.
vi) All operations conducted at Non-Fixed Port of Entries will be operated in the same fashion as the Fixed Locations.
vii) Type of Inspections Authorized for all CVSA certified personal can be found in Federal Ops Policy 5.

d) **CVSA OUT-OF-SERVICE CRITERIA**
i) Driver - The purpose of the Out-of-Service Criteria is to identify violations that render the commercial motor driver unqualified to drive or out-of-service.
ii) Vehicle - The purpose of the Out-of-Service Criteria is to identify Critical Vehicle Inspection Items and provide criteria for placing vehicles out-of-service subsequent to a safety inspection.
iii) All CVSA certified personnel shall comply with the current out-of-service violation standards which are updated annually and distributed to personnel.
iv) Refer to CVSA Operational Policy
v) North American Standard Out of Service Criteria
vi) Refer to current Out-of-Service Criteria when placing vehicles and/or drivers out of service.

e) **CVSA CERTIFICATION**
i) A basic job requirement for the enforcement of the Federal Motor Carrier Safety Regulations is that officers, sergeants, and transportation inspectors obtain and maintain CVSA certification in North American Standard Level I; Hazardous Material/Transportation of Dangerous Goods; Cargo Tank; and Other Bulk Packaging inspections. Personnel shall attend certification classes as soon as practical, and which shall be determined by the Chief or his/her designee. Personnel may be required to obtain and maintain CVSA Level VI inspector certification (radiological inspections). Commissioned personnel at the ranks of lieutenant, captain, and major are required, at a minimum, to obtain and maintain a CVSA certification in the North American Standard Level I and are encouraged to obtain and maintain advanced levels of CVSA inspector certification.

ii) The Department will allow personnel two (2) attempts to obtain the full CVSA certification consisting of Part A and Part B. In the event only one (1) part is passed, the second attempt will only consist of passing the part previously failed. Two (2) attempts will be granted in Hazardous Material/Transportation of Dangerous Goods, Cargo Tank, Other Bulk Packaging, and Radiological as well. If the student is unsuccessful on the first attempt at certification, a refresher course will be provided and the individual re-tested. The re-test does constitute an additional attempt.

iii) Personnel who pass the testing phase will be required to complete the minimum number of inspections within the required timeframes as set by CVSA six (6) months in each category in order to complete the certification process.

iv) Failure to obtain CVSA certification after the second attempt or maintain CVSA certification in the above captioned areas will be just cause to seek dismissal of the incumbent from his/her position.

f) **NORTH AMERICAN STANDARD INSPECTION COURSES AND INSPECTOR CERTIFICATION REQUIREMENTS**

i) Refer to CVSA Operational Policy 4 Inspector Training and Certification

g) **STANDARDS FOR MAINTAINING CVSA CERTIFICATION**

i) Refer to CVSA Operational Policy 4 Inspector Training and Certification

h) **CVSA MEMORANDUM OF UNDERSTANDING**

i) **GENERAL**

(1) The State of New Mexico is a member of the Commercial Vehicle Safety Alliance and agrees, by virtue of signing the Memorandum of Understanding, to grant reciprocity to all other member jurisdictions by recognizing the validity of their inspections and honoring current CVSA decals unless obvious violations are present.

(2) The Department has adopted the recommended Out-of-Service and other defect repair verification procedures as developed by CVSA.

(3) The Department agrees to honor the CVSA inspection decals affixed to a vehicle by all authorized agencies. It further agrees that CVSA decals will be affixed to those vehicles which pass the Level I CVSA inspection **with no violations of critical inspection items.**

i) **CRITICAL VEHICLE INSPECTION ITEMS:**
   i) Refer to CVSA out of service criteria.
      (1) In order to better implement and maintain the standards and agreements contained in this Memorandum of Understanding and to effectively administer the terms and conditions contained under Title IV of the Surface Transportation Act of 1982 (P.L. 97-424), the New Mexico Department of Public Safety agrees to:
      (2) Training - testing, and certification of personnel will be conducted as per the agreement with the CVSA. Continuous training will be conducted as needed.

j) **Supply inspection forms for all inspections conducted in conformance with this agreement.**

k) **Supply vehicle out-of-service stickers and CVSA decals.**

l) **Supply monitoring services relative to inspection write-up techniques and violations recorded.**

m) **Supply processing, coding, and data services.**
   i) Pursuant to the Governor's directive, the New Mexico Department of Public Safety functions as the lead agency for purpose of administering participation in the Surface Transportation Assistance Act and to ensure the state's compliance, including its participating political subdivision, with the terms and conditions contained therein. The Department further agrees to the following conditions:
   ii) Inspections will only be conducted by CVSA certified personnel; however, noncertified personnel may assist certified personnel.
   iii) When performing inspections as described herein, said inspections shall be documented on forms provided by the Department.
   iv) Completed inspection documents shall be electronically uploaded within five (5) working days following the date of the inspection for processing and final compliance.

n) **ANNUAL CVSA IN-SERVICE TRAINING**
   (1) In the interest of attempting to have CVSA certified personnel perform the highest quality safety inspections possible, annual CVSA in-service

training will be offered. This training shall be mandatory for all CVSA certified personnel.

(2) The course content for each in-service training shall consist of educating the participants on any and all rule, regulation, or law changes concerning the FMCSR's which may have recently occurred, or are expected to occur, as well as providing refresher material covering Part 40, Part 325, Part 350, Parts 355-399, and 49 CFR Parts 100-185. The training should include a review of this policy, the protected classes identified in this policy, the process for an individual to file a complaint, and information from the FMCSA Title VI Program, to include the Safety Inspections, Safety Audit Program and FMCSA Enforcement Memorandum **English Language Proficiency Enforcement: Please refer to FMCSA Internal Agency Enforcement MC-SEE-2025-0001. Additionally, refer to Attachment A, English Language Proficiency Checklist. Training on this enforcement will be conducted statewide by the Commercial Motor Vehicle Bureau Training Team.**

(3) The recognized lead CVSA instructor shall be responsible for establishing each year's course curriculum and shall maintain all appropriate training records in accordance with policy and procedures.

o) **TITLE VI PROGRAM RIGHTS**

New Mexico State Police is committed to the unbiased and equitable treatment of all persons in enforcing the law and providing services. Employees conducting motor vehicle enforcement, including CMV inspections.

i) It is the policy of the New Mexico State Police to uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and related non-discrimination authorities as identified in the FMCSA Title VI Program

(1) These authorities require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any NMSP program or activity on the basis of race, color, national origin, sex, age, or disability.

(2) NMSP 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.

(a) English: https://www.dps.nm.gov/equal-employment-opportunity-bureau/ then select English Version of "Commercial Vehicle Enforcement Bureau Title VI Program Compliance Plan"

(b) Spanish: https://www.dps.nm.gov/equal-employment-opportunity-bureau/ then select Spanish Version of "Commercial Vehicle Enforcement Bureau Title VI Program Compliance Plan"

(c) As part of NMSP's Title VI internal monitoring programs, CMV enforcement, including commercial vehicle inspections, will be reviewed annually to ensure compliance with Title VI, provide any needed technical assistance in the implementation of Title VI, and correct any deficiencies found to exist.

(d) All alleged Title VI complaints via the DATAQ process shall be emailed to the EEO officials as part of the inquiry process.

p) **INSPECTION DECALS**
   i) Refer to CVSA Operational Policy 5

q) **DRIVER VEHICLE SAFETY INSPECTIONS**
   i) All Driver/Vehicle Safety Inspections will be conducted in accordance with CVSA Operational Policy 5.

r) **PLANNING ROADSIDE INSPECTIONS**
   i) Refer to CVSA Operational Policy 5

7) ATTACHMENTS

a) **CVSA Operational Policy 4-Inspector Training and Certification**
b) **CVSA Operational Policy 5-Inspection/CVSA Decals**
c) **CVSA Operational Policy 7-North American Standard Out of Service Criteria**
d) **CVSA Operational Policy 12-Cargo Seal Guidelines**
e) **CVSA Operational Policy 13-Selecting Vehicles for Inspection**
f) **CVSA Operational Policy 14- Enhancing Roadside Inspection and Enforcement Data Uniformity**
g) **CVSA Operational Policy 15- Inspection and Regulatory Guidance**
h) **FMCSA Internal Agency Enforcement MC-SEE-2025-0001**

i) **NMDPS English Language Proficiency-CMV Enforcement**

8) APPROVAL

APPROVED BY: W. J. Weird **DATE:** 11/17/25

New Mexico State Police Chief