

Federal Motor Carrier Safety Administration, DOT

§ 396.11

“Signature of Carrier/Intermodal Equipment Provider Official, Title, and Date Signed” portions of the form; and

(ii) Return the completed roadside inspection form to the issuing agency at the address indicated on the form and retain a copy at the motor carrier’s principal place of business, at the intermodal equipment provider’s principal place of business, or where the vehicle is housed for 12 months from the date of the inspection.

[73 FR 76824, Dec. 17, 2008, as amended at 75 FR 17252, Apr. 5, 2010; 77 FR 28451, May 14, 2012; 78 FR 58485, Sept. 24, 2013; 81 FR 47731, July 22, 2016; 88 FR 80193, Nov. 17, 2023]

§ 396.11 Driver vehicle inspection report(s).

(a) *Equipment provided by motor carrier.* (1) *Report required.* Every motor carrier shall require its drivers to report, and every driver shall prepare a report in writing at the completion of each day’s work on each vehicle operated, except for intermodal equipment tendered by an intermodal equipment provider. The report shall cover at least the following parts and accessories:

- (i) Service brakes including trailer brake connections;
- (ii) Parking brake;
- (iii) Steering mechanism;
- (iv) Lighting devices and reflectors;
- (v) Tires;
- (vi) Horn;
- (vii) Windshield wipers;
- (viii) Rear vision mirrors;
- (ix) Coupling devices;
- (x) Wheels and rims;
- (xi) Emergency equipment.

(2) *Report content.* (i) The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown. If a driver operates more than one vehicle during the day, a report must be prepared for each vehicle operated. Drivers are not required to prepare a report if no defect or deficiency is discovered by or reported to the driver.

(ii) The driver must sign the report. On two-driver operations, only one driver needs to sign the driver vehicle inspection report, provided both driv-

ers agree as to the defects or deficiencies identified.

(3) *Corrective action.* (i) Prior to requiring or permitting a driver to operate a vehicle, every motor carrier or its agent shall repair any defect or deficiency listed on the driver vehicle inspection report which would be likely to affect the safety of operation of the vehicle.

(ii) Every motor carrier or its agent shall certify on the driver vehicle inspection report which lists any defect or deficiency that the defect or deficiency has been repaired or that repair is unnecessary before the vehicle is operated again.

(4) *Retention period for reports.* Every motor carrier shall maintain the driver vehicle inspection report, the certification of repairs, and the certification of the driver’s review for three months from the date the written report was prepared.

(5) *Exceptions.* The rules in this section shall not apply to a private motor carrier of passengers (nonbusiness), a driveaway-towaway operation, or any motor carrier operating only one commercial motor vehicle.

(b) *Equipment provided by intermodal equipment provider.* (1) *Report required.* Every intermodal equipment provider must have a process to receive driver reports of, and each driver or motor carrier transporting intermodal equipment must report to the intermodal equipment provider or its designated agent, any known damage, defects, or deficiencies in the intermodal equipment at the time the equipment is returned to the provider or the provider’s designated agent. The report must include, at a minimum, the following parts and accessories:

- (i) Brakes;
- (ii) Lighting devices, lamps, markers, and conspicuity marking material;
- (iii) Wheels, rims, lugs, tires;
- (iv) Air line connections, hoses, and couplers;
- (v) King pin upper coupling device;
- (vi) Rails or support frames;
- (vii) Tie down bolsters;
- (viii) Locking pins, clevises, clamps, or hooks;
- (ix) Sliders or sliding frame lock.

(2) *Report content.* (i) Name of the motor carrier responsible for the operation of the intermodal equipment at the time the damage, defects, or deficiencies were discovered by, or reported to, the driver.

(ii) Motor carrier's USDOT number; intermodal equipment provider's USDOT number, and a unique identifying number for the item of intermodal equipment.

(iii) Date and time the report was submitted.

(iv) All damage, defects, or deficiencies of the intermodal equipment reported to the equipment provider and discovered by, or reported to, the motor carrier or its driver which would

(A) Affect the safety of operation of the intermodal equipment, or

(B) Result in its mechanical breakdown while transported on public roads.

(v) The signature of the driver who prepared the report.

(3) *Corrective action.* (i) Prior to allowing or permitting a motor carrier to transport a piece of intermodal equipment for which a motor carrier or driver has submitted a report about damage, defects or deficiencies, each intermodal equipment provider or its agent must repair the reported damage, defects, or deficiencies that are likely to affect the safety of operation of the vehicle.

(ii) Each intermodal equipment provider or its agent must certify on the original driver's report which lists any damage, defects, or deficiencies of the intermodal equipment that the reported damage, defects, or deficiencies have been repaired, or that repair is unnecessary, before the vehicle is operated again.

(4) *Retention period for reports.* Each intermodal equipment provider must maintain all documentation required by this section, including the driver report and the certification of repairs on all intermodal equipment, for a period of three months from the date that a motor carrier or its driver submits the

report to the intermodal equipment provider or its agent.

[44 FR 38526, July 2, 1979, as amended at 45 FR 46425, July 10, 1980; 53 FR 18058, May 19, 1988; 59 FR 8753, Feb. 23, 1994; 63 FR 33279, June 18, 1998; 73 FR 76824, Dec. 17, 2008; 74 FR 68709, Dec. 29, 2009; 77 FR 34852, June 12, 2012; 77 FR 59828, Oct. 1, 2012; 78 FR 58485, Sept. 24, 2013; 79 FR 75449, Dec. 18, 2014; 83 FR 16227, Apr. 16, 2018; 85 FR 50793, Aug. 18, 2020]

§ 396.12 Procedures for intermodal equipment providers to accept reports required by § 390.42(b) of this chapter.

(a) *System for reports.* Each intermodal equipment provider must establish a system for motor carriers and drivers to report to it any damage, defects, or deficiencies of intermodal equipment discovered by, or reported to, the motor carrier or driver which would—

(1) Affect the safety of operation of the intermodal equipment, or

(2) Result in its mechanical breakdown while transported on public roads.

(b) *Report content.* The system required by paragraph (a) of this section must include documentation of all of the following:

(1) Name of the motor carrier responsible for the operation of the intermodal equipment at the time the damage, defects, or deficiencies were discovered by, or reported to, the driver.

(2) Motor carrier's USDOT number; intermodal equipment provider's USDOT number, and a unique identifying number for the item of intermodal equipment.

(3) Date and time the report was submitted.

(4) All damage, defects, or deficiencies of the intermodal equipment must be reported to the equipment provider by the motor carrier or its driver. If no defect or deficiency in the intermodal equipment is discovered by or reported to the driver, no written report is required.

(5) The signature of the driver who prepared the report.

(c) *Corrective action.* (1) Prior to allowing or permitting a motor carrier to