



MAINE OIL DEALERS ASSOCIATION

TECHNICAL BULLETIN #8.1

Marketers Must Maintain Evidence

of Brake Inspector's Qualification

February 14, 1997

(replaces TB #8 Jan. 1992)

Effective January 1, 1992, the employee responsible for the inspection, repair or maintenance of brakes on commercial motor vehicles* must be qualified to perform those functions, and the marketer must maintain evidence of the employee's qualifications. If the brakes are inspected and maintained in a facility not under the marketer's control, the marketer does not have to maintain evidence of the qualifications. Similarly, if the inspections are being made by an owner-operator, the owner-operator must maintain evidence of these qualifications. Specific requirements are outlined in the Code of federal Regulations 49 section 396.25.

To be qualified to inspect, repair or maintain brakes, the employee must:

1. Understand the brake service task or inspection task to be accomplished and be able to perform that task;

2. Be knowledgeable of and have mastered the methods, procedures, tools and equipment used when performing an assigned brake service or inspection task; and
3. Be capable of performing the assigned brake service or inspection by reason of experience, training or both.

It should be noted that not every employee involved in these tasks must meet these qualifications; only the employee responsible for these tasks must meet the qualifications, which could mean only the chief mechanic or shop supervisor.

An employee is considered to have adequate training and experience if:

1. He has successfully completed an apprenticeship program sponsored by a state, Canadian province, federal agency or labor union, or has a certificate from a state or province indicating he is qualified to perform the brake service or inspection (passage of the commercial drivers license test on air brakes will qualify the employee to be an inspector, but will not qualify the employee to repair or maintain brakes); or
2. He has had brake-related training and/or experience totaling at least one year. Such training may consist of any one of the following:
 - a. Participated in a training program sponsored by a brake or vehicle manufacturer;
 - b. Experience performing brake maintenance or inspection similar to the assigned brake service or inspection either in a motor carrier maintenance program or in a commercial garage or fleet leasing company.

The employer must maintain evidence of the employee's qualifications either at his principal place of business or at the place where the employee works. This evidence should be maintained while the employee is engaged in these tasks

and for a year thereafter. There is no need to maintain evidence that the employee has passed the CDL air brake test.

* A commercial motor vehicle is a vehicle with a gross vehicle weight in excess of 10,000 pounds or that is required to be placarded.

NOTE: While the regulations do not cite that drivers who adjust their own brakes have to keep the attached certification in their possession - for use in proving their ability to state or federal inspectors - having the certification in your possession will make a road-side inspection faster.

[Code of Federal Regulations]

[Title 49, Volume 4, Parts 200 to 399]

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TITLE 49--TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

PART 396--INSPECTION, REPAIR, AND MAINTENANCE--Table of Contents

Sec. 396.25 Qualifications of brake inspectors.

(a) The motor carrier shall ensure that all inspections, maintenance, repairs or service to the brakes of its

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commercial motor vehicles, are performed in compliance with the requirements of this section.

(b) For purposes of this section, brake inspector means any employee of a motor carrier who is responsible for ensuring all brake inspections, maintenance, service, or repairs to any commercial motor vehicle, subject to the motor carrier's control, meet the applicable Federal standards.

(c) No motor carrier shall require or permit any employee who does not meet the minimum brake inspector qualifications of Sec. 396.25(d) to be responsible for the inspection, maintenance, service or repairs of any brakes on its commercial motor vehicles.

(d) The motor carrier shall ensure that each brake inspector is qualified as follows:

(1) Understands the brake service or inspection task to be

accomplished and can perform that task; and

(2) Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an assigned brake service or inspection task; and

(3) Is capable of performing the assigned brake service or inspection by reason of experience, training or both as follows:

(i) Has successfully completed an apprenticeship program sponsored by a State, a Canadian Province, a Federal agency or a labor union, or a training program approved by a State, Provincial or Federal agency, or has a certificate from a State or Canadian Province which qualifies the person to perform the assigned brake service or inspection task (including passage of Commercial Driver's License air brake tests in the case of a brake inspection); or

(ii) Has brake-related training or experience or a combination thereof totaling at least one year. Such training or experience may consist of:

(A) Participation in a training program sponsored by a brake or vehicle manufacturer or similar commercial training program designed to train students in brake maintenance or inspection similar to the assigned brake service or inspection tasks; or

(B) Experience performing brake maintenance or inspection similar to

the assigned brake service or inspection task in a motor carrier

maintenance program; or

(C) Experience performing brake maintenance or inspection similar to the assigned brake service or inspection task at a commercial garage, fleet leasing company, or similar facility.

(e) No motor carrier shall employ any person as a brake inspector unless the evidence of the inspector's qualifications, required under this section is maintained by the motor carrier at its principal place of business, or at the location at which the brake inspector is employed. The evidence must be maintained for the period during which the brake inspector is employed in that capacity and for one year thereafter. However, motor carriers do not have to maintain evidence of qualifications to inspect air brake systems for such inspections performed by persons who have passed the air brake knowledge and skills test for a Commercial Driver's License.

[56 FR 491, Jan. 7, 1991]