

IFTA LAW ENFORCEMENT COMMITTEE

BEST PRACTICES GUIDE

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Disclaimer

This document was prepared by members of the IFTA, Inc. Law Enforcement Committee. It has been reviewed and approved by the IFTA, Inc. Board of Trustees. This document should be used as a guide and as a tool to assist member jurisdictions with the enforcement of their IFTA programs. Member jurisdictions are in no way required by the IFTA Governing Documents to implement the practices contained herein. Each jurisdiction and agency must follow their own legislation, authority, policies, and guidelines. The IFTA Law Enforcement Committee Best Practice Guide is simply a guide to enforcement of motor fuel use tax. If enforcement questions arise that are not covered in the IFTA Manuals or within this document, please contact any of the IFTA LEC members listed on the IFTA Law Enforcement Committee web page located at <http://www.iftach.org/committee/lec/lecnew.php>

Suggested changes or additions should be addressed to the IFTA Law Enforcement Committee.

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A. Introduction

The purpose of this guide is to outline jurisdiction “best practices”. This guide will help generalize enforcement practices and help create uniformity throughout the IFTA jurisdictions.

It should be noted that this guide is a recommendation for best practices and will not necessarily be the best recommendation for all jurisdictions. Key variables in determining if the guide will apply to the jurisdictions include but are not limited to:

- Legislation
- Resources
- Authority

This guide is intended for law enforcement personnel, and is to be viewed as an evolving document which changes as information and new technology emerge.

The Law Enforcement Committee would like to recognize and thank the staff at IFTA Inc., the IFTA Board of Trustees, other IFTA Committees, jurisdictions, and its own members for sharing their “best practices” and assistance in the development of this guide.

B. Definitions

***R258 Roadside Enforcement** means necessary action, by those persons within a jurisdiction, charged with inspection or compliance checks of qualified vehicles being operated within the jurisdiction. It includes any activity by authorized personnel at any permanent or temporary weight or inspection site or any other location as deemed appropriate by the jurisdiction.

***R245 Qualified Motor Vehicle (QMV)** means a motor vehicle used, designed, or maintained for transportation of persons or property and:

- .100** Having two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms; or
- .200** Having three or more axles regardless of weight; or
- .300** Is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle weight or registered gross vehicle weight. Qualified Motor Vehicle does not include recreational vehicles.

***R248 Recreational Vehicle** means vehicles such as motor homes, pickup trucks with attached campers, and buses when used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

C. Vehicle Screening

Roadside enforcement will assess if a vehicle is in need of an IFTA credential check or fuel tax compliance inspection. Roadside enforcement officers should be trained through their agency on how to screen vehicles to determine if they are in need of an inspection. Training should include how to stop the vehicle in a safe manner according to the jurisdiction's laws, policy and procedures.

The roadside enforcement officer shall determine if the vehicle meets the guidelines and qualification for IFTA credentials. In absence of a single trip permit for motor fuel use tax, each QMV must display two valid IFTA decals: one on each side of the vehicle (see Appendix for recommended decal placement). Effective January 1, 2019, the IFTA license may be presented as a paper document or as an electronic image. A vehicle will not be considered operating under the IFTA Agreement unless there is a legible paper copy of a valid license in the vehicle, or a legible electronic image is made available at the time it is requested. In absence of valid IFTA credentials, the driver should be able to produce a single trip permit for motor fuel use tax. A valid permit is in lieu of registering for IFTA and filing a tax return, is vehicle specific, is limited by time, and may be limited to specific routes.

Identifying Fraudulent Credentials

Officers who check IFTA decals regularly should be familiar with the general appearance and construction. Specific decal specifications can be found on the IFTA website in the IFTA Procedures Manual in section *P320 DECALS. Decals will be approximately 3 inches x 3 inches (7.5 centimeters x 7.5 centimeters) with white letters and a background color as specified for the current year. The letters "IFTA" are to be incorporated into the decal with the letter I in the upper left hand corner, the letter A in the lower right-hand corner, and the letters F and T to be incorporated in such a way as to constitute a diagonal design on the decal. The two-letter jurisdiction designation shall be displayed in the lower left-hand corner, and at least the last two numbers of the

appropriate year are to be displayed in the upper right-hand corner. Decals shall be serialized. There shall be no other printing on the decal.

The best practice for identifying fraudulent licenses is to familiarize yourself with the licenses most common to your jurisdiction, such as licenses issued by your neighboring jurisdictions. Look for spelling errors, “white-outs”, convenient tears, etc.

Grace Period

During the vehicle screening process, officers should be aware of the grace period. The grace period runs from January 1st through the last day of February to allow time for carriers to affix new IFTA decals to their QMV’s. This period allows currently licensed carriers who have timely submitted their license renewal application to continue operations while awaiting receipt of their credentials for the new year.

Carriers using the grace period must be in good standing and have submitted all documents required to obtain the IFTA license or renew a current account. These carriers cannot have a revoked, suspended, or cancelled license.

***R655 GRACE PERIOD**

.100 Carriers from new member jurisdictions shall be allowed a two-month grace period from the date of the new member’s IFTA program implementation to display the IFTA license and decals. However, carriers must maintain the proper credentials for traveling in member jurisdictions until they display the valid IFTA license and decals.

.200 Carriers renewing their IFTA license and decals have a two-month grace period (January and February) to display the renewal IFTA license and decals. To operate in IFTA jurisdictions during this grace period, carriers must display either valid current or prior year IFTA license and decals from the jurisdiction in

which they were operating or a valid single-trip permit from the IFTA jurisdiction in which they are operating.

Clearinghouse

The IFTA Clearinghouse is a repository of IFTA carrier account information and license status. Access to the Clearinghouse can be via the internet or through NLETS. Information accessed will verify a carrier's IFTA license status, that is, whether they are "Active", "Suspended", "Closed", "Cancelled", or "Revoked". Only carriers with a license status of "Active" can legally operate, unless a single trip permit for fuel use tax can be provided by the driver. Like a vehicle's license plates, just because a QMV may be displaying IFTA decals, or a driver provides you with an IFTA license, it doesn't necessarily mean the credentials are valid. It is recommended to always verify a carrier's credentials through the Clearinghouse or by contacting the carrier's home jurisdiction's agency that issued the credentials. Please contact your IFTA LEC committee member to learn more about accessing Clearinghouse information at roadside. Access to the IFTA Clearinghouse is available to U.S. and Canadian jurisdictions.

Other Screening Tools

Depending on systems and databases available to an officer's agency, there may be other screening tools available. IFTA status could also be available through systems such as CVIEW and SAFER. Other than contacting a jurisdiction directly, the IFTA Clearinghouse is the most accurate source of information. Keep in mind the information available in any database is only as good as the information that is being uploaded by the issuing agency in each jurisdiction.

D. Enforcement Actions

The enforcement officer shall determine if the vehicle is a qualified motor vehicle (QMV) and check all supporting documentation provided by driver for legitimacy.

Document Identification and Validation

The enforcement officer shall check the IFTA account through the IFTA, Inc. Clearinghouse system if the jurisdiction has the capability, or contact the base jurisdiction to verify if the account is in good standing.

Revoked Carriers or Fictitious Documents

The enforcement officer shall determine if the IFTA license is suspended, cancelled, closed, or revoked and take appropriate action according to the officer's jurisdiction's laws, policy, and procedure.

E. Corrective Actions

If a carrier is found to be out of compliance, enforcement actions can be taken by following section R660 Non-Compliance of the IFTA Manual.

***R660 NON-COMPLIANCE**

.100 Failure to possess a copy of the license in the vehicle may subject the vehicle operator to the purchase of a trip permit, a citation, or both.

.200 Failure to display the identification decals in the required locations or to carry a temporary permit may subject the vehicle operator to the purchase of a trip permit, a citation, or both.

.300 Improper use of the license or the decals by the licensee may be cause for revocation of the license.

F. Other Possible Roadside Inspections

Your jurisdiction might allow you to inspect other trucking regulatory requirements while having the QMV stopped. This might include inspecting documentation required for, but not limited to the following:

- Non-IFTA Qualified vehicles
- International Registration Plan (IRP) Qualified vehicles
- Over-Size/Over-Weight vehicles
- Single trip permits for motor fuel use tax or for vehicle registration
- Unified Carrier Registration Agreement (UCRA) documentation
- Hazardous materials documentation
- USDOT inspections and documentation

Documentation received from the driver of the vehicle, including his driver's license (CDL) needs to be validated. The vehicle's registration and any lease agreements provided to the officer should be noted and verified.

- **Fuel Tanks/Dyed Diesel Inspections**

Diesel fuel that is red in color indicates no road taxes have been paid on this fuel and is not to be used for operating vehicles on-road. When dyed fuel is used in QMV's, it directly affects each jurisdiction the QMV travels through. Fuel inspections conducted at roadside must be in accordance with the jurisdiction's policy, procedures, and statutes for conducting the fuel tests. If you are an enforcement officer wanting to conduct dyed diesel inspections, you must first have authorization and training from your jurisdiction. If conducting an inspection of the vehicle's fuel tanks, be aware of possible hidden reservoirs that could contain dyed or alternate fuel. If authorized:

- A fuel sample should be obtained from all tanks for inspection.
- Samples containing dyed fuel, or those suspected of containing dyed fuel, must be clearly marked and collected as evidence in accordance with the jurisdiction's laws, policies, and procedures.
- Issue proper violation if warranted.

G. Information Sharing & Interjurisdictional Communication

Law Enforcement personnel are encouraged to share information with affected jurisdictions relating to fuel tax violations. Before sharing any information, officers should be aware of their agency's policies regarding contacting other agencies or jurisdictions.

Some examples of pertinent information may include, but not limited to:

- Carriers operating with expired credentials
- Carriers operating with improper number of decals
 - This could indicate operating multiple vehicles, but only reporting mileage on registered vehicles.
- Carriers operating with another carrier's credentials/decals
- Carriers operating with fraudulent/fictitious credentials/decals
- Carriers operating on suspended/revoked/inactive credentials/decals
- Carriers operating with suspected dyed diesel in a QMV's propulsion system

H. Summary

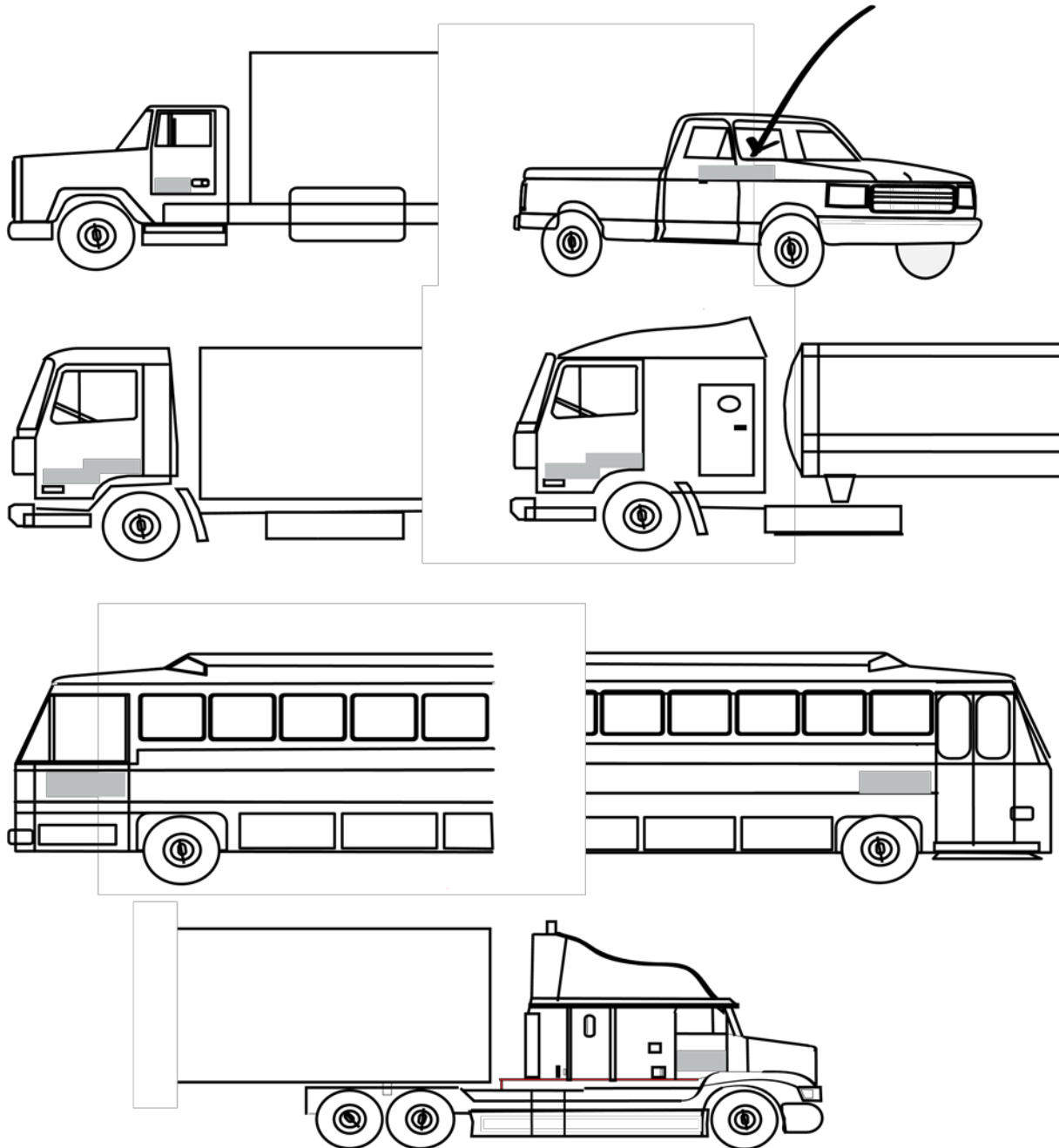
This guide is a suggestion of practices from the IFTA Law Enforcement Committee. The Committee understands that each jurisdiction has its own unique legislation and is in no way trying to alter it. Your base jurisdiction's legislation, procedures, and guidelines should always be followed and adhered to. The Committee wants to stress that safety is the top priority for all officers and caution must be adhered to at all times. It is also important for the officer to give clear and concise directions so the driver can understand and complete tasks that are asked.

F. Appendix

Decal Placement Guide

HELP US HELP YOU

Place your IFTA decals in the shaded areas



[Insert Jurisdiction Agency Here] and the IFTA Law Enforcement Committee strongly urge you to affix your valid IFTA decals in the recommended shaded locations on both sides of the vehicle to avoid costly delays on the road. Do not place IFTA decals on windows, mirrors, tanks, or vents. Please remove all expired or non-valid decals.

