

§ 180.409 Minimum qualifications for inspectors and testers.

(a) Except as otherwise provided in this section, any person performing or witnessing the inspections and tests specified in §180.407(c) must—

- (1) Be registered with the Federal Motor Carrier Safety Administration in accordance with part 107, subpart F of this chapter,
- (2) Be familiar with DOT-specification cargo tanks and trained and experienced in use of the inspection and testing equipment needed, and
- (3) Have the training and experience required to meet the definition of “Registered Inspector” in §171.8 of this chapter.

(b) A person who only performs annual external visual inspections and leakage tests on a cargo tank motor vehicle, owned or operated by that person, with a capacity of less than 13,250 L (3,500 gallons) used exclusively for flammable liquid petroleum fuels, is not required to meet the educational and years of experience requirements set forth in the definition of “Registered Inspector” in §171.8 of this subchapter. Although not required to meet the educational and years of experience requirements, a person who performs visual inspections or leakage tests or signs the inspection reports must have the knowledge and ability to perform such inspections and tests and must perform them as required by this subchapter, and must register with the Department as required by subpart F of part 107 of this chapter.

(c) A person who performs only annual external visual inspections and leakage tests on a permanently mounted non-bulk tank, owned or operated by that person, for petroleum products as authorized by §173.8(c) of this subchapter, is not required to be registered in accordance with subpart F of part 107 of this chapter. In addition the person who signs the inspection report required by §180.417(b) of this subpart for such non-bulk tanks is not required to be registered. Although not required to register, a person who performs visual inspections or leakage tests or signs the inspection reports must have the knowledge and ability to perform such inspections and tests and must perform them as required by this subchapter.

(d) A motor carrier or cargo tank owner who meets the requirements of paragraph (a) of this section may use an employee who is not a Registered Inspector to perform a portion of the pressure retest required by §180.407(g). External and internal visual inspections must be accomplished by a Registered Inspector, but the hydrostatic or pneumatic pressure test, as set forth in §180.407(g)(1)(viii) and (ix), respectively, may be done by an employee who is not a Registered Inspector provided that—

- (1) The employee is familiar with the cargo tank and is trained and experienced in the use of the inspection and testing equipment used;
- (2) The employer submits certification that such employee meets the qualification requirements to the Associate Administrator, Attn: (PHH-32), Pipeline and Hazardous Materials Safety Administration, Department of Transportation, East Building, 1200 New Jersey Avenue, SE., Washington, DC 20590; and
- (3) The employer retains a copy of the tester's qualifications with the documents required by §180.417(b).

[Amdt. 180-2, 55 FR 37069, Sept. 7, 1990, as amended by Amdt. 180-3, 56 FR 66287, Dec. 20, 1991; 57 FR 45466, Oct. 1, 1992; Amdt. 180-11, 62 FR 1217, Jan. 8, 1997; 66 FR 45391, Aug. 28, 2001; 68 FR 19288, Apr. 18, 2003; 70 FR 56100, Sept. 23, 2005; 72 FR 55697, Oct. 1, 2007]