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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1550**

March 1, 2007

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The bill was read for the first time and referred to the Transportation Finance Division

1.1 A bill for an act
1.2 relating to traffic regulations; modifying provisions relating to commercial
1.3 vehicle inspections; making clarifying changes; amending Minnesota Statutes
1.4 2006, sections 169.781; 169.782, subdivision 1; 169.783, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 169.781, is amended to read:

1.7 **169.781 ANNUAL COMMERCIAL VEHICLE INSPECTION; INSPECTORS,**
1.8 **FEE, PENALTY.**

1.9 Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

1.10 (a) "Commercial motor vehicle":

1.11 (1) means a motor vehicle or combination of motor vehicles used to transport
1.12 passengers or property if the motor vehicle:

1.13 ~~(1) a commercial motor vehicle as defined in section 169.01, subdivision 75,~~

1.14 ~~paragraph (a); and (i) has a gross vehicle weight of more than 26,000 pounds;~~

1.15 ~~(2) each (ii) is a vehicle in a combination of more than 26,000 pounds;~~

1.16 (iii) is a bus; or

1.17 (iv) is of any size and is used in the transportation of hazardous materials that are
1.18 required to be placarded under Code of Federal Regulations, title 49, parts 100-185; and

1.19 ~~"Commercial motor vehicle"~~

1.20 (2) does not include (1) (i) a school bus or Head Start bus displaying a certificate
1.21 under section 169.451, (2) or (ii) a bus operated by the Metropolitan Council or by a local
1.22 transit commission created in chapter 458A, or (3) a motor vehicle that is required to be
1.23 placarded under Code of Federal Regulations, title 49, parts 100-185.

1.24 (b) "Commissioner" means the commissioner of public safety.

2.1 (c) "Owner" means a person who owns, or has control, under a lease of more than 30
2.2 days' duration, of one or more commercial motor vehicles.

2.3 ~~(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store
2.4 property at a location not on a street or highway, (2) does not contain any load when
2.5 moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked
2.6 on each side of the semitrailer "storage only" in letters at least six inches high.~~

2.7 ~~(e) "Building mover vehicle" means a vehicle owned or leased by a building mover
2.8 as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for
2.9 moving buildings.~~

2.10 Subd. 2. **Inspection required.** (a) It is unlawful for a person to operate or permit
2.11 the operation of:

2.12 (1) a commercial motor vehicle registered in Minnesota; or

2.13 (2) special mobile equipment as defined in section 168.011, subdivision 22, and
2.14 which is self-propelled, if it is mounted on a commercial motor vehicle chassis,

2.15 ~~unless the~~ in violation of the requirements of paragraph (b).

2.16 (b) A vehicle displays described in paragraph (a):

2.17 (1) must display a valid safety inspection decal issued by an inspector certified by
2.18 the commissioner; ~~or the vehicle carries (1); or~~

2.19 (2) must carry (i) proof that the vehicle complies with federal motor vehicle
2.20 inspection requirements for vehicles in interstate commerce, and (ii) a certificate of
2.21 compliance with federal requirements issued by the commissioner under subdivision 9.

2.22 Subd. 3. **Inspector certification; suspension and revocation; hearing.** (a) An
2.23 inspection required by this section may be performed only by:

2.24 (1) an employee of the Department of Public Safety or Transportation who has
2.25 been certified by the commissioner after having received training provided by the State
2.26 Patrol; or

2.27 (2) another person who has been certified by the commissioner after having received
2.28 training provided by the State Patrol or other training approved by the commissioner.

2.29 (b) A person who is not an employee of the Department of Public Safety or
2.30 Transportation may be certified by the commissioner if the person is:

2.31 (1) an owner, or employee of the owner, of one or more commercial motor vehicles
2.32 that are power units;

2.33 (2) a dealer licensed under section 168.27 and engaged in the business of buying and
2.34 selling commercial motor vehicles, or an employee of the dealer; ~~or~~

2.35 (3) engaged in the business of repairing and servicing commercial motor vehicles; or

2.36 (4) employed by a governmental agency that owns commercial vehicles.

3.1 (c) Certification of persons described in paragraph (b), clauses (1) to ~~(3)~~ (4), is
 3.2 effective for two years from the date of certification. The commissioner may require
 3.3 biennial retraining of persons holding a certificate under paragraph (b) as a condition of
 3.4 renewal of the certificate. The commissioner may charge a fee of not more than \$10
 3.5 for each certificate issued and renewed. A certified person described in paragraph (b),
 3.6 clauses (1) to ~~(3)~~ (4), may charge a reasonable fee for each inspection of a vehicle not
 3.7 owned by the person or the person's employer.

3.8 (d) Except as otherwise provided in subdivision 5, the standards adopted by the
 3.9 commissioner for commercial motor vehicle inspections under sections 169.781 to
 3.10 169.783 ~~shall~~ must be the standards prescribed in Code of Federal Regulations, title 49,
 3.11 section 396.17, and in chapter III, subchapter B, appendix G.

3.12 (e) The commissioner may classify types of vehicles for inspection purposes and
 3.13 may issue separate classes of inspector certificates for each class. ~~The commissioner shall~~
 3.14 ~~issue separate categories of inspector certificates based on the following classifications:~~

3.15 ~~(1) a class of certificate that authorizes the certificate holder to inspect commercial~~
 3.16 ~~motor vehicles without regard to ownership or lease; and~~

3.17 ~~(2) a class of certificate that authorizes the certificate holder to inspect only~~
 3.18 ~~commercial motor vehicles the certificate holder owns or leases.~~

3.19 ~~The commissioner shall issue a certificate described in clause (1) only to a person~~
 3.20 ~~described in paragraph (b), clause (2) or (3):~~

3.21 (f) The commissioner, after notice and an opportunity for a hearing, may suspend a
 3.22 certificate issued under paragraph (b) for failure to meet annual certification requirements
 3.23 prescribed by the commissioner or failure to inspect commercial motor vehicles in
 3.24 accordance with inspection procedures established by the State Patrol. The commissioner
 3.25 shall revoke a certificate issued under paragraph (b) if the commissioner determines after
 3.26 notice and an opportunity for a hearing that the certified person issued an inspection decal
 3.27 for a commercial motor vehicle when the person knew or reasonably should have known
 3.28 that the vehicle was in such a state of repair that it would have been declared out of service
 3.29 if inspected by an employee of the State Patrol. Suspension and revocation of certificates
 3.30 under this subdivision are not subject to sections 14.57 to 14.69.

3.31 **Subd. 4. Inspection report.** (a) A person performing an inspection under this
 3.32 section shall issue an inspection report to the owner of the commercial motor vehicle
 3.33 inspected. The report must include:

3.34 (1) the full name of the person performing the inspection, and the person's inspector
 3.35 certification number;

4.1 (2) the name of the owner of the vehicle and, if applicable, the United States
 4.2 Department of Transportation carrier number issued to the owner of the vehicle, or to the
 4.3 operator of the vehicle if other than the owner;

4.4 (3) the vehicle identification number and, if applicable, the license plate number
 4.5 of the vehicle;

4.6 (4) the date and location of the inspection;

4.7 (5) the vehicle components inspected and a description of the findings of the
 4.8 inspection, including identification of the components not in compliance with federal
 4.9 motor carrier safety regulations; and

4.10 (6) the inspector's certification that the inspection was complete, accurate, and in
 4.11 compliance with the requirements of this section.

4.12 (b) The owner must retain a copy of the inspection report for at least 14 months at a
 4.13 location in the state where the vehicle is domiciled or maintained. The inspector must
 4.14 maintain a copy of the inspection report for a period of 14 months following the inspection
 4.15 in a location in the state where the inspector conducts business. During this period the
 4.16 report must be available for inspection by an authorized federal, state, or local official.

4.17 (c) The commissioner shall prescribe the form of the inspection report and revise it
 4.18 as necessary to comply with state and federal law and regulations. The adoption of the
 4.19 report form is not subject to the Administrative Procedure Act.

4.20 Subd. 5. **Inspection decal.** ~~(a)~~ A person inspecting a commercial motor vehicle
 4.21 shall issue an inspection decal for the vehicle if each inspected component of the vehicle
 4.22 complies with federal motor carrier safety regulations. The decal must state that in the
 4.23 month specified on the decal the vehicle was inspected and each inspected component
 4.24 complied with federal motor carrier safety regulations. The decal is valid for 12
 4.25 months after the month specified on the decal. The commissioners of public safety and
 4.26 transportation shall make decals available, at a fee of not more than \$2 for each decal,
 4.27 to persons certified to perform inspections under subdivision 3, paragraph (b). Decals
 4.28 are issued to inspectors by serial number and are not transferable unless approved by
 4.29 the commissioner.

4.30 ~~(b) Minnesota inspection decals may be affixed only to:~~

4.31 ~~(1) commercial motor vehicles bearing Minnesota-based license plates; or~~

4.32 ~~(2) special mobile equipment, within the meaning of subdivision 2, clause (2).~~

4.33 ~~(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less~~
 4.34 ~~than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage~~
 4.35 ~~semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle~~
 4.36 ~~unless the vehicle has one or more defects that would result in the vehicle being declared~~

5.1 ~~out of service under the North American Uniform Driver, Vehicle, and Hazardous~~
 5.2 ~~Materials Out-of-Service Criteria issued by the Federal Highway Administration and the~~
 5.3 ~~Commercial Vehicle Safety Alliance. A decal issued to a vehicle described in clause (1),~~
 5.4 ~~(2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle~~
 5.5 ~~must clearly indicate that it is valid for two years from the date of issuance.~~

5.6 ~~(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered~~
 5.7 ~~as a farm truck, (2) is not operated more than 75 miles from the owner's home post office,~~
 5.8 ~~and (3) was manufactured before 1979 that has a dual transmission system, is not required~~
 5.9 ~~to comply with a requirement in an inspection standard that requires that the service brake~~
 5.10 ~~system and parking brake system be separate systems in the motor vehicle.~~

5.11 Subd. 6. **Record review; random inspection; audit.** Employees of the State Patrol
 5.12 and motor transportation representatives of the Department of Transportation may review
 5.13 records required to be kept under subdivision 4, paragraph (b), and conduct random
 5.14 vehicle inspections and audits at the facility of an owner of a commercial motor vehicle.

5.15 Subd. 7. **Disposition of revenues.** The commissioner shall pay all revenues received
 5.16 under this section to the commissioner of finance for deposit in the trunk highway fund.

5.17 Subd. 8. **Violation; misdemeanor.** A violation of this section is a misdemeanor.

5.18 Subd. 9. **Proof of federal inspection.** An owner of a commercial motor vehicle
 5.19 that is subject to and in compliance with federal motor vehicle inspection requirements
 5.20 for vehicles in interstate commerce may apply to the commissioner for a certificate
 5.21 of compliance with federal requirements. On payment of a fee equal to the fee for an
 5.22 inspection decal under subdivision 5, ~~paragraph (a)~~, the commissioner shall issue the
 5.23 certificate to the applicant. This subdivision only applies to Minnesota-licensed vehicles
 5.24 that are not housed or maintained in Minnesota.

5.25 Subd. 10. **Exemption.** This section does not apply to a vehicle operated by a motor
 5.26 carrier of passengers, as defined in section 221.011, subdivision 48, if the vehicle has
 5.27 been inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within
 5.28 the previous 12 months.

5.29 Sec. 2. Minnesota Statutes 2006, section 169.782, subdivision 1, is amended to read:

5.30 Subdivision 1. **Driver; daily inspection report.** (a) The driver of a commercial
 5.31 motor vehicle shall report in writing at the completion of each day's work on each
 5.32 commercial motor vehicle the driver has operated. A person who owns one or more
 5.33 commercial motor vehicles and who employs drivers for those commercial motor vehicles
 5.34 must require each driver to submit a written report as required ~~in~~ by this section. The
 5.35 report must cover the following parts and accessories: service brakes, including trailer and

6.1 semitrailer brake connections; parking (hand) brake; steering mechanism; lighting devices
 6.2 and reflectors; tires; horn; windshield wiper or wipers; rear vision mirror or mirrors;
 6.3 coupling devices; wheels and rims; and emergency equipment.

6.4 (b) The report must identify the vehicle and list any defect or deficiency discovered
 6.5 by or reported to the driver that would affect the safe operation of the vehicle or result in
 6.6 its mechanical breakdown. If no defect or deficiency is discovered by or reported to the
 6.7 driver, the report must so indicate. The driver must sign the report after completing it. In
 6.8 the case of a commercial motor vehicle operated by two drivers, the signature of one of
 6.9 the drivers satisfies the requirements of this subdivision if both drivers agree concerning
 6.10 the defects or deficiencies. If a driver operates more than one commercial motor vehicle
 6.11 during a day's work, a report must be prepared for each vehicle operated.

6.12 (c) Before operating or allowing the operation of a commercial motor vehicle on
 6.13 which a report has been prepared under this subdivision, the owner of the vehicle or
 6.14 the owner's agent must repair defects or deficiencies listed on the report that would ~~be~~
 6.15 ~~sufficient under inspection procedures established by the State Patrol to require the vehicle~~
 6.16 ~~to be declared out of service~~ likely affect the safe operation of the vehicle. Before allowing
 6.17 the commercial motor vehicle to be operated again, the owner or the owner's agent must
 6.18 certify, on the report listing the defect or deficiency, that the defect or deficiency has
 6.19 been corrected or that correction is unnecessary. A motor carrier must keep the original
 6.20 vehicle inspection report for at least three months after the date of inspection. The report
 6.21 must be available for inspection by an authorized federal, state, or local official at any
 6.22 time during this period.

6.23 (d) A copy of the vehicle inspection report, including a certification of corrections
 6.24 resulting from the report, must be carried in the commercial motor vehicle, or in the power
 6.25 unit of a commercial motor vehicle combination, at all times when the vehicle or power
 6.26 unit is operated until the next inspection report is completed under this subdivision. The
 6.27 copy must be made available on demand to: (1) a peace officer; (2) a person authorized
 6.28 under section 221.221; and (3) a person described in section 299D.06.

6.29 Sec. 3. Minnesota Statutes 2006, section 169.783, subdivision 1, is amended to read:

6.30 Subdivision 1. **Postcrash inspection.** (a) A peace officer responding to an accident
 6.31 involving a commercial motor vehicle must immediately notify the State Patrol if the
 6.32 accident results in ~~death, personal injury, or property damage to an apparent extent of~~
 6.33 ~~more than \$4,400.;~~

6.34 (1) a fatality;

7.1 (2) bodily injury to a person who, as a result of the injury, immediately receives
7.2 medical treatment away from the scene of the accident; or

7.3 (3) one or more motor vehicles incurring disabling damage as a result of the
7.4 accident, requiring the motor vehicles to be transported away from the scene by tow
7.5 truck or other motor vehicle.

7.6 (b) It is a misdemeanor for a person to drive or cause to be driven a commercial
7.7 motor vehicle after such an accident unless the vehicle:

7.8 (1) has been inspected by a state trooper or other person authorized to conduct
7.9 inspections under section 169.781, subdivision 3, paragraph (a), who is an employee of
7.10 the Department of Public Safety or Transportation, and the person inspecting the vehicle
7.11 has determined that the vehicle may safely be operated; or

7.12 (2) a waiver has been granted under subdivision 2.