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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **2048**

March 13, 2007

Authored by Kranz

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act  
1.2 relating to public safety; permitting school buses and Head Start buses to be  
1.3 inspected by certified inspectors; amending Minnesota Statutes 2006, section  
1.4 169.451.

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

1.6 Section 1. Minnesota Statutes 2006, section 169.451, is amended to read:

1.7 **169.451 INSPECTING SCHOOL AND HEAD START BUSES; RULES;**  
1.8 **MISDEMEANOR.**

1.9 Subdivision 1. **Annual requirement.** ~~The Minnesota State Patrol shall inspect~~  
1.10 Every school bus and every Head Start bus must be inspected annually to ascertain  
1.11 whether its construction, design, equipment, and color comply with all provisions of law.

1.12 Subd. 1a. **Inspector certification; suspension and revocation; hearing.** (a) An  
1.13 inspection required by this section may be performed only by:

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

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

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

1.20 (1) an owner, or employee of the owner, of one or more school buses, Head Start  
1.21 buses, or both;

1.22 (2) the employee of a school district or nonpublic school that owns school buses;

1.23 (3) a dealer licensed under section 168.27 and engaged in the business of buying and  
1.24 selling school buses, Head Start buses, or both, or an employee of the dealer; or

2.1 (4) engaged in the business of repairing and servicing school buses as defined in  
2.2 section 169.01, subdivision 6, Head Start buses, or both.

2.3 (c) Certification of persons described in paragraph (b) is effective for two years from  
2.4 the date of certification. The commissioner may require biennial retraining of persons  
2.5 holding a certificate under paragraph (b) as a condition of renewal of the certificate. A  
2.6 certified person described in paragraph (b) may charge a reasonable fee for each inspection  
2.7 of a vehicle not owned by the person or the person's employer.

2.8 (d) The commissioner may classify types of vehicles for inspection purposes and  
2.9 may issue separate classes of inspector certificates for each class. The commissioner shall  
2.10 issue separate categories of inspector certificates based on the following classifications:

2.11 (1) a class of certificate that authorizes the certificate holder to inspect school buses,  
2.12 Head Start buses, or both, without regard to ownership or lease; and

2.13 (2) a class of certificate that authorizes the certificate holder to inspect only school  
2.14 buses, Head Start buses, or both, that the certificate holder owns or leases.

2.15 The commissioner shall issue a certificate described in clause (1) only to a person  
2.16 described in paragraph (b), clause (3) or (4).

2.17 (e) The commissioner, after notice and an opportunity for a hearing, may suspend a  
2.18 certificate issued under paragraph (b) for failure to meet annual certification requirements  
2.19 prescribed by the commissioner or failure to inspect school buses, Head Start buses,  
2.20 or both, in accordance with inspection procedures established by the State Patrol. The  
2.21 commissioner shall revoke a certificate issued under paragraph (b) if the commissioner  
2.22 determines after notice and an opportunity for a hearing that the certified person issued an  
2.23 inspection decal for a school bus or Head Start bus when the person knew or reasonably  
2.24 should have known that the vehicle was in such a state of repair that it would have been  
2.25 declared out of service if inspected by an employee of the State Patrol. Suspension and  
2.26 revocation of certificates under this subdivision are not subject to sections 14.57 to 14.69.

2.27 Subd. 1b. **Inspection report.** (a) A person performing an inspection under this  
2.28 section shall issue an inspection report to the owner of the school bus or Head Start bus  
2.29 inspected. The report must include:

2.30 (1) the full name of the person performing the inspection and the person's inspector  
2.31 certification number;

2.32 (2) the name of the owner of the vehicle;

2.33 (3) the vehicle identification number and, if applicable, the license plate number  
2.34 of the vehicle;

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

3.1 (5) the vehicle components inspected and a description of the findings of the  
 3.2 inspection; and

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

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

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

3.13 Subd. 2. **Inspection certificate decal.** No person shall drive, or no owner shall  
 3.14 knowingly permit or cause to be driven, any school bus or Head Start bus unless there is  
 3.15 displayed thereon a ~~certificate~~ decal issued by the commissioner of public safety stating  
 3.16 that on a certain date, which shall be within 13 months of the date of operation, ~~a member~~  
 3.17 ~~of the Minnesota State Patrol inspected~~ the bus was inspected under subdivision 1a and  
 3.18 ~~found~~ that on the date of inspection the bus complied with the applicable provisions of  
 3.19 state law relating to construction, design, equipment, and color. The commissioners of  
 3.20 public safety and transportation shall make decals available to persons certified to perform  
 3.21 inspections under subdivision 3. Decals are issued to inspectors by serial number and are  
 3.22 not transferable unless approved by the commissioner. Minnesota inspection decals may  
 3.23 be affixed only to school buses or Head Start buses registered in Minnesota.

3.24 Subd. 3. **Rules of commissioner.** ~~(a)~~ The commissioner of public safety shall  
 3.25 provide by rule for the issuance and display of distinctive inspection ~~certificates~~ decals.

3.26 ~~(b) The commissioner of public safety shall provide by rule a point system for~~  
 3.27 ~~evaluating the effect on safety operation of any variance from law detected during~~  
 3.28 ~~inspections conducted pursuant to subdivision 1.~~

3.29 Subd. 4. **Violation; penalty.** The State Patrol shall enforce subdivision 2. A  
 3.30 violation of subdivision 2 is a misdemeanor.

3.31 Subd. 5. **Random spot inspection.** ~~In addition to the annual inspection,~~ The  
 3.32 Minnesota State Patrol has authority to conduct random, unannounced spot inspections of  
 3.33 any school bus or Head Start bus being operated within the state to ascertain whether it  
 3.34 is in compliance with provisions of law, including the Minnesota school bus equipment  
 3.35 standards in sections 169.4501 to 169.4504, subject to the procedures approved by the  
 3.36 commissioner.

- 4.1 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2007.
- 4.2 School bus operators with 25 or more school buses must have their school buses initially
- 4.3 inspected by a certified inspector no later than one year from this date. School bus
- 4.4 operators with fewer than 25 school buses must have their buses initially inspected by a
- 4.5 certified inspector no later than two years from this date.