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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 1289

March 5, 2009
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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

A bill for an act

relating to motor vehicles; requiring probable cause for spot inspection of motor vehicles by state troopers; repealing provision for implied consent to inspection; amending Minnesota Statutes 2008, section 169.771, subdivision 2; repealing Minnesota Statutes 2008, section 169.771, subdivision 4.

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

Section 1. Minnesota Statutes 2008, section 169.771, subdivision 2, is amended to read:

Subd. 2. **Inspection by state trooper.** (a) The commissioner of public safety ~~is directed to accelerate~~ shall conduct spot-check inspections ~~for unsafe~~ of motor vehicles and motor vehicle equipment in accordance with this subdivision. Such inspections ~~shall~~ must be conducted by ~~the personnel of the~~ State Patrol officers who shall give the operator of a commercial motor vehicle a signed and dated document as evidence of the inspection.

(b) The State Patrol may conduct a spot-check inspection of a commercial motor vehicle only with probable cause or incident to a lawful traffic stop. Probable cause means:

(1) the officer, through observation, reasonably believes the vehicle or equipment is unsafe;

(2) the officer, through observation, reasonably believes the operator of the vehicle has engaged in illegal activity; or

(3) the officer reasonably suspects the vehicle operator of a moving traffic violation.

Transportation of a specific type of farm or forest product in a vehicle is not by itself sufficient to support an officer's determination of probable cause for an inspection.

~~(b) However, personnel of the State Patrol~~ (c) An officer may not conduct ~~another spot~~ a spot-check inspection of a commercial motor vehicle if ~~(1)~~ the operator of the vehicle can show evidence of an inspection, which is free of critical defects, conducted in

Minnesota according to this section or section 169.781 within the previous 90 days ~~and (2) a state trooper does not have probable cause to believe the vehicle or its equipment is unsafe or that the operator has engaged in illegal activity~~. ~~In addition~~ However, if the operator shows the state trooper evidence that the commercial motor vehicle has been inspected within the previous 90 days, but the officer has probable cause to believe the vehicle or its equipment is unsafe or to suspect illegal activity, then the vehicle may be inspected to confirm the existence or absence of an unsafe condition or of the suspected illegal activity.

(d) An officer who stops a vehicle under authority of this subdivision shall provide the operator with a signed and dated document disclosing the reason for the stop or the probable cause leading to the stop.

(e) Inspections under this subdivision may not be conducted on private property or within two miles of a fixed scale located on private property.

Sec. 2. **REPEALER.**

Minnesota Statutes 2008, section 169.771, subdivision 4, is repealed.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

169.771 SPOT-CHECK OF MOTOR VEHICLE.

Subd. 4. **Implied consent to inspection.** Use of the highways and streets of this state shall constitute consent to spot-check inspections as provided herein.