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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 2733

02/20/2018 Authored by Bahr, C., and Drazkowski
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy

1.1 A bill for an act
1.2 relating to motor vehicles; amending annual commercial vehicle inspection
1.3 requirements; making technical and clarifying changes; amending Minnesota
1.4 Statutes 2016, section 169.781, subdivisions 1, 2, 3, 4, 6, 7, by adding a subdivision;
1.5 repealing Minnesota Statutes 2016, section 169.781, subdivisions 5, 9.

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

1.7 Section 1. Minnesota Statutes 2016, section 169.781, subdivision 1, is amended to read:

1.8 Subdivision 1. **Definitions.** (a) For purposes of sections 169.781 to 169.783, the
1.9 following terms have the meanings given.

1.10 ~~(a)~~ (b) "Commercial motor vehicle": has the meaning given in section 169.011,
1.11 subdivision 16, paragraph (a), except that the term:

1.12 ~~(1) means a motor vehicle as defined in section 169.011, subdivision 16, paragraph (a),~~
1.13 ~~or combination of motor vehicles used to transport passengers or property if the motor~~
1.14 ~~vehicle:~~

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

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

1.17 ~~(iii) is a bus; or~~

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

1.20 (1) includes a combination of vehicles having a combined gross vehicle weight of more
1.21 than 26,000 pounds; and

2.1 (2) does not include (i) a school bus or Head Start bus displaying a certificate under
 2.2 section 169.451, or (ii) a bus operated by the Metropolitan Council or by a local transit
 2.3 commission created as provided in chapter 458A.

2.4 ~~(b)~~ (c) "Commissioner" means the commissioner of public safety.

2.5 ~~(e)~~ (d) "Owner" means a person who owns, or has control, under a lease of more than
 2.6 30 days' duration, of one or more commercial motor vehicles.

2.7 Sec. 2. Minnesota Statutes 2016, section 169.781, subdivision 2, is amended to read:

2.8 Subd. 2. **Inspection required.** ~~(a)~~ It is unlawful for a person to operate or permit the
 2.9 operation, ~~in violation of the requirements of paragraph (b),~~ of any of the following without
 2.10 carrying proof that the vehicle complies with federal motor vehicle inspection requirements
 2.11 for vehicles in interstate commerce:

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

2.13 (2) special mobile equipment as defined in section 168.002, subdivision 31, and which
 2.14 is self-propelled, if it is mounted on a commercial motor vehicle chassis; or

2.15 (3) a vehicle used to transport passengers by a motor carrier of railroad employees under
 2.16 section 221.0255.

2.17 ~~(b) A vehicle described in paragraph (a):~~

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

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

2.23 Sec. 3. Minnesota Statutes 2016, section 169.781, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

3.9 (c) Certification of persons described in paragraph (b), clauses (1) to (4), is effective for
3.10 two years from the date of certification. The commissioner may require biennial retraining
3.11 of persons holding a certificate under paragraph (b) as a condition of renewal of the
3.12 certificate. The commissioner may charge a fee of not more than \$10 for each certificate
3.13 issued and renewed. A certified person described in paragraph (b), clauses (1) to (4), may
3.14 charge a reasonable fee for each inspection of a vehicle not owned by the person or the
3.15 person's employer.

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

3.20 ~~(e)~~ (d) The commissioner may classify types of vehicles for inspection purposes and
3.21 may issue separate classes of inspector certificates for each class.

3.22 ~~(f)~~ (e) The commissioner, after notice and an opportunity for a hearing, may suspend a
3.23 certificate issued under paragraph (b) for failure to meet annual certification requirements
3.24 prescribed by the commissioner or failure to inspect commercial motor vehicles in accordance
3.25 with inspection procedures established by the State Patrol. The commissioner shall revoke
3.26 a certificate issued under paragraph (b) if the commissioner determines after notice and an
3.27 opportunity for a hearing that the certified person issued an inspection ~~deal~~ report for a
3.28 commercial motor vehicle indicating the vehicle complies with subdivision 3a, when the
3.29 person knew or reasonably should have known that the vehicle was in such a state of repair
3.30 that it would have been declared out of service if inspected by an employee of the State
3.31 Patrol. Suspension and revocation of certificates under this subdivision are not subject to
3.32 sections 14.57 to 14.69.

4.1 Sec. 4. Minnesota Statutes 2016, section 169.781, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 3a. **Inspection standards.** The standards adopted by the commissioner for
4.4 commercial motor vehicle inspections under sections 169.781 to 169.783 must be the
4.5 standards prescribed in Code of Federal Regulations, title 49, section 396.17, and in chapter
4.6 III, subchapter B, appendix G.

4.7 Sec. 5. Minnesota Statutes 2016, section 169.781, subdivision 4, is amended to read:

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

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

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

4.16 (3) the vehicle identification number and, if applicable, the license plate number of the
4.17 vehicle;

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

4.19 (5) the vehicle components inspected and a description of the findings of the inspection,
4.20 including identification of the components not in compliance with federal motor carrier
4.21 safety regulations; ~~and~~

4.22 (6) the inspector's certification that the inspection was complete, accurate, and in
4.23 compliance with the requirements of this section; and

4.24 (7) an indication for whether the vehicle meets the inspection requirements under
4.25 subdivision 3a.

4.26 (b) An inspection report indicating a vehicle complies with subdivision 3a is valid for
4.27 12 months after the month of inspection.

4.28 (c) The owner must retain a copy copies of the inspection report for at least 14 months
4.29 (1) at a location in the state where the vehicle is domiciled or maintained; and (2) in the
4.30 inspected vehicle. The inspector must maintain a copy of the inspection report for a period
4.31 of 14 months following the inspection in a location in the state where the inspector conducts

5.1 business. During this period the report must be available for inspection by an authorized
5.2 federal, state, or local official.

5.3 ~~(e)~~ (d) The commissioner shall prescribe the form of the inspection report and revise it
5.4 as necessary to comply with state and federal law and regulations. The adoption of the report
5.5 form is not subject to the Administrative Procedure Act.

5.6 Sec. 6. Minnesota Statutes 2016, section 169.781, subdivision 6, is amended to read:

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

5.11 Sec. 7. Minnesota Statutes 2016, section 169.781, subdivision 7, is amended to read:

5.12 Subd. 7. **Disposition of revenues.** The commissioner ~~shall pay~~ must deposit all revenues
5.13 received under this section ~~to the commissioner of management and budget for deposit in~~
5.14 the trunk highway fund.

5.15 Sec. 8. **INSPECTION DECAL; CERTIFICATE OF COMPLIANCE.**

5.16 (a) Notwithstanding section 9 of this act:

5.17 (1) an inspection decal issued prior to August 1, 2018, under Minnesota Statutes 2016,
5.18 section 169.781, subdivision 5, remains valid for the period indicated by the decal; and

5.19 (2) a certificate of compliance issued prior to August 1, 2018, under Minnesota Statutes
5.20 2016, section 169.781, subdivision 9, remains valid for the period indicated by the certificate.

5.21 (b) On or before June 30, 2019, the commissioners of public safety and transportation
5.22 must refund the full fee for any unused inspection decals issued under Minnesota Statutes,
5.23 section 169.781.

5.24 Sec. 9. **REPEALER.**

5.25 Minnesota Statutes 2016, section 169.781, subdivisions 5 and 9, are repealed.

169.781 ANNUAL COMMERCIAL VEHICLE INSPECTION; INSPECTORS, FEE, PENALTY.

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

(b) A person who, with the intent to defraud, falsely makes, duplicates, alters, or forges a decal or other writing or thing purporting to be a Minnesota inspection decal described in this subdivision is guilty of a gross misdemeanor. A person who, with the intent to defraud, possesses a decal or other writing or thing falsely purporting to be a Minnesota inspection decal described in this subdivision is guilty of a gross misdemeanor.

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