

Sec. 2. APPROPRIATION.

\$100,000 is appropriated from the general fund to the department of education in fiscal year 1991 to provide grants for the summer health care intern program under section 1.

Presented to the governor April 26, 1990

Signed by the governor April 27, 1990, 9:52 a.m.

CHAPTER 563—S.F.No. 2030

An act relating to traffic regulations; requiring annual inspections of commercial motor vehicles; providing for the certification of persons to conduct annual inspections; requiring daily pretrip inspections; requiring post-accident inspections; prescribing fees; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 221.031, subdivision 1, and by adding a subdivision; 221.221, subdivisions 2 and 3; and 221.605, subdivision 1; Minnesota Statutes 1989 Supplement, section 221.031, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Section 1. [169.781] ANNUAL INSPECTION OF COMMERCIAL MOTOR VEHICLES.**Subdivision 1. DEFINITIONS. For purposes of sections 1 to 3:****(a) "Commercial motor vehicle" means:**

(1) a commercial motor vehicle as defined in section 169.01, subdivision 75, paragraph (a); and

(2) each vehicle in a combination drawn by a commercial motor vehicle.

"Commercial motor vehicle" does not include a school bus displaying a certificate under section 169.451, or a bus operated by the metropolitan transit commission created in section 473.404 or by a local transit commission created in chapter 458A.

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

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

Subd. 2. INSPECTION REQUIRED. It is unlawful for a person to operate or permit the operation of a commercial motor vehicle registered in Minnesota unless the vehicle displays a valid safety inspection decal issued by an inspector certified by the commissioner.

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Subd. 3. WHO MAY INSPECT. (a) An inspection required by this section may be performed only by:

(1) an employee of the department of public safety or transportation who has been certified by the commissioner after having received training provided by the state patrol; or

(2) another person who has been certified by the commissioner after having received training provided by the state patrol.

(b) A person who is not an employee of the department of public safety or transportation may be certified by the commissioner if the person is: (1) an owner, or employee of the owner, of five or more commercial motor vehicles that are power units; (2) a dealer licensed under section 168.27 and engaged in the business of buying and selling commercial motor vehicles, or an employee of the dealer; or (3) engaged primarily in the business of repairing and servicing commercial motor vehicles. Certification of persons described in clauses (1) to (3) is effective for one year from the date of certification. The commissioner may require annual retraining of persons holding a certificate under this paragraph as a condition of renewal of the certificate. A certified person described in clauses (1) to (3) may charge a fee of not more than \$50 for each inspection of a vehicle not owned by the person or the person's employer.

(c) The commissioner may classify types of vehicles for inspection purposes and may adopt separate inspection procedures and issue separate classes of inspector certificates for each class.

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

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

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

(2) the name of the owner of the vehicle and, if applicable, the United

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States Department of Transportation carrier number issued to the owner of the vehicle, or to the operator of the vehicle if other than the owner;

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

(4) the date and location of the inspection;

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

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

(b) The owner must retain a copy of the inspection report for at least one year at a location in the state where the vehicle is domiciled or maintained. During this period the report must be available for inspection by an authorized federal, state, or local official.

(c) The commissioner shall prescribe the form of the inspection report and revise it as necessary to comply with state and federal law and regulations. The adoption of the report form is not subject to the administrative procedure act.

Subd. 5. INSPECTION DECALS. (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).

(b) Minnesota inspection decals may be affixed only to commercial motor vehicles bearing Minnesota-based license plates.

Subd. 6. REVIEWS; RANDOM INSPECTIONS; AUDITS. Employees of the state patrol and motor transportation representatives of the department of transportation may review records required to be kept under subdivision 4, paragraph (b), and conduct random vehicle inspections and audits at the facility of an owner of a commercial motor vehicle.

Subd. 7. DISPOSITION OF REVENUES. The commissioner shall pay all revenues received under this section to the state treasurer for deposit in the trunk highway fund.

Subd. 8. VIOLATIONS; PENALTY. A violation of this section is a misdemeanor.

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Sec. 2. [169.782] DAILY INSPECTION OF COMMERCIAL MOTOR VEHICLES.

Subdivision 1. DRIVERS; DAILY INSPECTION REPORT. (a) The driver of a commercial motor vehicle shall report in writing at the completion of each day's work on each commercial motor vehicle the driver has operated. A person who owns one or more commercial motor vehicles and who employs drivers for those commercial motor vehicles must require each driver to report as required in this section. The report must cover the following parts and accessories: service brakes, including trailer and semitrailer brake connections; parking (hand) brake; steering mechanism; lighting devices and reflectors; tires; horn; wind-shield wiper or wipers; rear vision mirror or mirrors; coupling devices; wheels and rims; and emergency equipment.

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

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

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

Subd. 2. DRIVERS; PRETRIP INSPECTION. (a) Before driving a commercial motor vehicle, a driver must:

- (1) review the most recent vehicle inspection report on the vehicle;

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(2) determine that the vehicle is in safe operating condition; and

(3) sign the inspection report in the vehicle.

The driver shall sign the report only if all defects and deficiencies listed in the report have been certified as having been corrected or as not requiring correction.

(b) If the commercial motor vehicle does not contain the previous day's inspection report, the driver must make the inspection and complete the report required under subdivision 1.

Subd. 3. OPERATION PROHIBITED. It is a misdemeanor to drive or to cause another person to drive a commercial motor vehicle that does not contain a copy of an inspection report complying with this section.

Subd. 4. EXCEPTIONS. (a) With the exception of subdivision 2, paragraph (a), clause (2), this section does not apply to a commercial motor vehicle that is a farm truck that may be operated by a person not holding a commercial driver's license.

(b) This section does not apply to a commercial motor vehicle held for resale by a motor vehicle dealer licensed under section 168.27.

Sec. 3. [169.783] ACCIDENTS; REINSPECTION.

Subdivision 1. POSTCRASH INSPECTION. A peace officer responding to an accident involving a commercial motor vehicle must immediately notify the state patrol if the accident results in death, personal injury, or property damage to an apparent extent of more than \$4,500. It is a misdemeanor for a person to drive or cause to be driven a commercial motor vehicle after such an accident unless the vehicle: (1) has been inspected by a state trooper or other person authorized to conduct inspections under section 1, subdivision 3, paragraph (a), who is an employee of the department of public safety or transportation, and the person inspecting the vehicle has determined that the vehicle may safely be operated; or (2) a waiver has been granted under subdivision 2.

Subd. 2. WAIVER. A state trooper or other authorized person called to the scene of an accident by a responding peace officer under subdivision 1 may waive the inspection requirement of that subdivision if the person determines that a postcrash inspection is not needed or cannot be accomplished without unreasonable delay. A person who grants a waiver must provide to the driver of the commercial motor vehicle for which the waiver is granted a written statement that the inspection has been waived. The written statement must include the incident report number assigned to the accident by the state patrol.

Sec. 4. Minnesota Statutes 1988, section 221.031, subdivision 1, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **POWERS, DUTIES, REPORTS, LIMITATIONS.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities, accounts, leasing of vehicles and drivers, service, safe operation of vehicles, equipment, parts and accessories, maximum hours of service of drivers, driver qualifications, accident reporting, identification of vehicles, installation of safety devices, inspection, repair, and maintenance, and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

(e) A motor carrier having gross revenues from for-hire transportation in a calendar year of less than \$50,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead of filing the report the motor carrier files an affidavit, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed \$50,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.

(f) The commissioner shall enforce sections 1 to 3.

(g) The commissioner shall make no rules relating to the granting, limiting, or modifying of permits or certificates of convenience and necessity, which are powers granted to the board.

(h) The board may extend the termini of a route or alter or change the route of a regular route common carrier upon petition and after finding that public convenience and necessity require an extension, alteration, or change.

Sec. 5. Minnesota Statutes 1989 Supplement, section 221.031, subdivision 2a, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2a. **AGRICULTURAL EXEMPTIONS.** (a) Notwithstanding the provisions of subdivision 2, private carriers engaged in intrastate commerce and operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the private carrier must comply only with the commissioner's rules for safety of operations and equipment, except as provided in ~~paragraph~~ paragraphs (b) and (c).

(b) A rear-end dump truck or other rear-unloading truck while being used for hauling agricultural and other farm products from a place of production or on-farm storage site to a place of processing or storage, is not subject to any rule of the commissioner requiring rear-end protection, including a federal regulation adopted by reference.

(c) A private carrier operating a commercial motor vehicle as defined in section 1, subdivision 1, must comply with sections 1 to 3.

Sec. 6. Minnesota Statutes 1988, section 221.031, is amended by adding a subdivision to read:

Subd. 8. DRIVEAWAY-TOWAWAY EXEMPTION. For purposes of regulating commercial motor vehicles as defined in section 1, subdivision 1, the exemption provided in Code of Federal Regulations, title 49, section 396.11, paragraph (d), applies in Minnesota only to driveaway-towaway operations.

Sec. 7. Minnesota Statutes 1988, section 221.221, subdivision 2, is amended to read:

Subd. 2. **POWERS.** Transportation representatives and hazardous material specialists of the department for the purpose of enforcing the provisions of this chapter ~~and section, sections 1 to 3, and 296.17,~~ sections 1 to 3, and 296.17, subdivisions 10 and 17, and the applicable rules, orders, or directives of the commissioner, the commissioner of revenue, and the board issued under this chapter and chapter 296, but for no other purpose, have the powers conferred by law upon police officers. The powers include the authority to conduct inspections at designated highway weigh stations or under other appropriate circumstances.

Sec. 8. Minnesota Statutes 1988, section 221.221, subdivision 3, is amended to read:

Subd. 3. **DELEGATED POWERS.** Representatives of the department to whom authority has been delegated by the commissioner for the purpose of enforcing sections 1 to 3, 221.041, and 221.171 and the rules, orders, or directives of the commissioner or board adopted or issued under those sections, and for no other purpose, shall have the powers conferred by law upon police officers. The representatives of the department have the power to inspect records, logs, freight bills, bills of lading, or other documents which may provide evidence to determine compliance with sections 1 to 3, 221.041, and 221.171.

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Sec. 9. Minnesota Statutes 1988, section 221.605, subdivision 1, is amended to read:

Subdivision 1. **FEDERAL REGULATIONS.** Interstate carriers and private carriers engaged in interstate commerce shall comply with the federal motor carrier safety regulations, Code of Federal Regulations, title 49, parts 390 to 398, and with the rules of the commissioner concerning inspections, vehicle and driver out-of-service restrictions and requirements, and vehicle, driver, and equipment checklists. For purposes of regulating commercial motor vehicles as defined in section 1, subdivision 1, the exemption provided in Code of Federal Regulations, title 49, section 396.11, paragraph (d), applies in Minnesota only to driveaway-towaway operations.

Sec. 10. **APPROPRIATION.**

\$263,000 is appropriated from the trunk highway fund to the commissioner of public safety for the purposes of this act, to be available for the fiscal year ending June 30, 1991.

The complement of the state patrol in the department of public safety is increased by three state trooper positions and one clerical staff person to administer the program under sections 1 to 3.

Sec. 11. **EFFECTIVE DATE.**

Section 1, subdivisions 1 and 3 to 8, and sections 2 to 10 are effective July 1, 1990. Section 1, subdivision 2, is effective April 1, 1991.

Presented to the governor April 26, 1990

Signed by the governor May 3, 1990, 5:03 p.m.

CHAPTER 564—S.F.No. 1925

An act relating to the environment; changing certain requirements for municipal wastewater treatment grants; increasing bonding authority; amending Minnesota Statutes 1988, sections 116.18, subdivision 3c; 446A.07, subdivision 2; 446A.12, subdivision 1; and Minnesota Statutes 1989 Supplement, section 116.16, subdivisions 2 and 5.

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

Section 1. Minnesota Statutes 1989 Supplement, section 116.16, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** In this section and sections 116.17 and 116.18:

New language is indicated by underline, deletions by ~~strikeout~~.