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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3490

03/08/2018 Authored by Sandstede, Sundin, Ecklund, Metsa, Mariani and others  
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; modifying qualifications for certification to perform  
1.3 certain commercial motor vehicle inspections; amending Minnesota Statutes 2016,  
1.4 section 169.781, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2016, section 169.781, subdivision 3, is amended to read:

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

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

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

1.14 (b) ~~A person who is not an employee of the Department of Public Safety or Transportation~~  
1.15 under paragraph (a), clause (2), may be certified by the commissioner if the person is:

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

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

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

1.21 (4) engaged in the business of performing inspections under this section; or

2.1 (5) employed by a governmental agency that owns commercial vehicles.

2.2 (c) Certification of persons described in paragraph (b), clauses (1) to ~~(4)~~ (5), is effective  
2.3 for two years from the date of certification. The commissioner may require biennial retraining  
2.4 of persons holding a certificate under paragraph (b) as a condition of renewal of the  
2.5 certificate. The commissioner may charge a fee of not more than \$10 for each certificate  
2.6 issued and renewed. A certified person described in paragraph (b), clauses (1) to ~~(4)~~ (5),  
2.7 may charge a reasonable fee for each inspection of a vehicle not owned by the person or  
2.8 the person's employer.

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

2.13 (e) The commissioner may classify types of vehicles for inspection purposes and may  
2.14 issue separate classes of inspector certificates for each class.

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

2.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.