

IN THE SENATE

SENATE BILL NO. 1072

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR CARRIER INSPECTIONS; AMENDING SECTION 67-2901B, IDAHO CODE, TO PROVIDE THAT CERTAIN INTRASTATE MOTOR CARRIERS SHALL BE EXEMPT FROM DRIVER QUALIFICATION REGULATIONS AND HOURS OF SERVICE REGULATIONS AND TO REVISE EXEMPTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-2901B, Idaho Code, be, and the same is hereby amended to read as follows:

67-2901B. INSPECTION OF MOTOR CARRIERS – EXEMPTIONS – CERTIFICATION OF REPAIR – COMPLIANCE REVIEW – PENALTIES. (1) All motor carriers, except those exempted under the provisions of subsection (2) of this section, are subject to compliance review and inspection by authorized state police employees for compliance with federal motor carrier safety and hazardous materials regulations and for compliance with applicable Idaho laws and rules promulgated by the director pursuant to the provisions of section 67-2901A, Idaho Code. A motor carrier shall submit any vehicle to a safety inspection when requested to do so by an authorized state police employee. Such inspections shall comply, to the extent possible, with national and industry standards for truck inspections and truck safety as adopted by the commercial vehicle safety alliance. A written inspection report shall be provided to the owner, operator or agent of the vehicle following any inspection review pursuant to this section.

(2) The following intrastate motor carriers shall be exempt from ~~safety inspections and compliance reviews~~ driver qualification regulations and hours of service regulations:

- ~~(a) Motor vehicles employed solely in transporting school children and teachers to or from school or to and from approved school activities, when the motor vehicles are either:
 
  - ~~(i) Wholly owned and operated by such school, or~~
  - ~~(ii) Leased or contracted by such school and the motor vehicle is not used in the furtherance of any other commercial enterprise; or~~~~
- ~~(b) Taxicabs or other motor vehicles performing a licensed or franchised taxicab service, having a seating capacity of not more than seven (7) passengers within twenty five (25) miles of the boundaries of the licensing or franchising jurisdiction; or~~
- ~~(c) Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroads or airports or other common carrier stations; or~~
- ~~(d) Motor vehicles controlled and operated by any farmer when used in the transportation of his farm equipment or in the transportation of supplies to his farm; or~~
- ~~(e) Motor vehicles used exclusively in the distribution of newspapers; or~~
- ~~(f) Transportation of persons or property by motor vehicle at an airport when incidental to transportation by aircraft or other transportation in substitution for scheduled airline~~

1 service when the carrier cannot provide the scheduled service because of weather and/or  
 2 mechanical conditions and the transportation is arranged for and paid by the affected  
 3 airlines; or

4 ~~(g) Transportation of persons and/or property, including mobile and modular houses~~  
 5 ~~manufactured with wheels and undercarriage as part of the substructure, but not~~  
 6 ~~transportation of other houses, buildings or structures within a municipality or territory~~  
 7 ~~contiguous to such municipality if such operation outside such municipality be a part of a~~  
 8 ~~service maintained within the limits of the municipality with the privilege of transfer of~~  
 9 ~~passengers to vehicles within the municipality without additional fare; or~~

10 (h) The transportation of agricultural products including fresh fruits and vegetables,  
 11 livestock, livestock feed or manure at any time of the year; or

12 ~~(i) Motor propelled vehicles for the sole purpose of carrying United States mail or~~  
 13 ~~property belonging to the United States; or~~

14 (j) Motor carriers transporting products of the forest at any time of the year; or

15 ~~(k) Motor carriers transporting products of the mine including sand, gravel and~~  
 16 ~~aggregates thereof, except petroleum products and wet concrete; or~~

17 ~~(l) Motor carriers transporting household goods as defined by the federal surface~~  
 18 ~~transportation board; or~~

19 (m) Vehicles properly equipped, designed and customarily used for the transportation  
 20 of disabled or abandoned vehicles by means of a crane, hoist, tow bar, dolly or roll bed,  
 21 which vehicle shall be known as a "wrecker (tow truck)."

22 (3) A motor carrier which has received a written inspection report prepared pursuant to  
 23 subsection (1) of this section indicating that his vehicle does not comply with applicable federal  
 24 laws or regulations or Idaho laws or rules, shall certify in writing to the director or his designee  
 25 within fifteen (15) days of his receipt of the inspection report that he has brought his vehicle  
 26 into compliance with said laws, regulations or rules. The director or his designee may assess  
 27 an administrative penalty to any person who does not comply with the certification provisions  
 28 of this section or who makes a false certification. The penalty shall not exceed one hundred  
 29 dollars (\$100) for failure to comply with an inspection report or for making a false certification.  
 30 If an assessment is contested, the director shall comply with the provisions governing contested  
 31 cases under the administrative procedure act, chapter 52, title 67, Idaho Code.

32 (4) Any motor carrier subject to rules promulgated under the provisions of section  
 33 67-2901A, Idaho Code, shall submit to a compliance review upon request of the director or any  
 34 officer designated by him, by providing for inspection or copying at any reasonable time, the  
 35 records, books, papers and documents relating to the safety management systems or program  
 36 of such motor carrier.

37 (5) Any penalties collected pursuant to subsection (3) of this section shall be deposited to  
 38 the state highway account.