

IN THE SENATE

SENATE BILL NO. 1337

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO MOTOR CARRIER SAFETY INSPECTIONS; AMENDING SECTION 67-2901B,
2 IDAHO CODE, TO PROVIDE THAT CERTAIN INTRASTATE MOTOR CARRIERS SHALL BE
3 SUBJECT TO CERTAIN SAFETY INSPECTIONS, TO REVISE PROVISIONS RELATING
4 TO EXEMPTIONS FROM CERTAIN SAFETY INSPECTIONS FOR CERTAIN INTRASTATE
5 MOTOR CARRIERS AND TO PROVIDE FOR A CODE REFERENCE.
6

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

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

10 67-2901B. INSPECTION OF MOTOR CARRIERS -- EXEMPTIONS -- CERTIFICATION
11 OF REPAIR -- COMPLIANCE REVIEW -- PENALTIES. (1) All motor carriers, except
12 those exempted under the provisions of subsection (2) of this section, are
13 subject to compliance review and inspection by authorized state police
14 employees for compliance with federal motor carrier safety and hazardous
15 materials regulations and for compliance with applicable Idaho laws and
16 rules promulgated by the director pursuant to the provisions of section
17 67-2901A, Idaho Code. A motor carrier shall submit any vehicle to a safety
18 inspection when requested to do so by an authorized state police employee.
19 Such inspections shall comply, to the extent possible, with national and
20 industry standards for truck inspections and truck safety as adopted by
21 the commercial vehicle safety alliance. A written inspection report shall
22 be provided to the owner, operator or agent of the vehicle following any
23 inspection review pursuant to this section.

24 (2) The following intrastate motor carriers shall be exempt from safety
25 inspections and compliance reviews; provided however, that such vehicles
26 shall be subject to safety inspections with respect to the brakes, lights,
27 turn signals, steering, sound devices, glass, mirror, exhaust system,
28 windshield wipers and tires:

29 ~~(a) Motor vehicles employed solely in transporting school children and~~
30 ~~teachers to or from school or to and from approved school activities,~~
31 ~~when the motor vehicles are either:~~

32 ~~(i) Wholly owned and operated by such school, or~~

33 ~~(ii) Leased or contracted by such school and the motor vehicle is~~
34 ~~not used in the furtherance of any other commercial enterprise; or~~

35 ~~(b) Taxicabs or other motor vehicles performing a licensed or~~
36 ~~franchised taxicab service, having a seating capacity of not more than~~
37 ~~seven (7) passengers within twenty five (25) miles of the boundaries of~~
38 ~~the licensing or franchising jurisdiction; or~~

39 ~~(c) Motor vehicles owned or operated by or on behalf of hotels and used~~
40 ~~exclusively for the transportation of hotel patrons between hotels and~~
41 ~~local railroads or airports or other common carrier stations; or~~

1 ~~(d)~~ Motor vehicles controlled and operated by any farmer when used in
 2 the transportation of his farm equipment or in the transportation of
 3 supplies to his farm; or

4 ~~(e) Motor vehicles used exclusively in the distribution of newspapers,~~
 5 ~~or~~

6 ~~(f) Transportation of persons or property by motor vehicle at an~~
 7 ~~airport when incidental to transportation by aircraft or other~~
 8 ~~transportation in substitution for scheduled airline service when the~~
 9 ~~carrier cannot provide the scheduled service because of weather and/or~~
 10 ~~mechanical conditions and the transportation is arranged for and paid~~
 11 ~~by the affected airlines; or~~

12 ~~(g) Transportation of persons and/or property, including mobile and~~
 13 ~~modular houses manufactured with wheels and undercarriage as part of~~
 14 ~~the substructure, but not transportation of other houses, buildings~~
 15 ~~or structures within a municipality or territory contiguous to such~~
 16 ~~municipality if such operation outside such municipality be a part of~~
 17 ~~a service maintained within the limits of the municipality with the~~
 18 ~~privilege of transfer of passengers to vehicles within the municipality~~
 19 ~~without additional fare; or~~

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

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

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

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

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

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

36 (3) A motor carrier which has received a written inspection report
 37 prepared pursuant to subsection (1) or (2) of this section indicating that
 38 his vehicle does not comply with applicable federal laws or regulations or
 39 Idaho laws or rules, shall certify in writing to the director or his designee
 40 within fifteen (15) days of his receipt of the inspection report that he
 41 has brought his vehicle into compliance with said laws, regulations or
 42 rules. The director or his designee may assess an administrative penalty
 43 to any person who does not comply with the certification provisions of this
 44 section or who makes a false certification. The penalty shall not exceed
 45 one hundred dollars (\$100) for failure to comply with an inspection report
 46 or for making a false certification. If an assessment is contested, the
 47 director shall comply with the provisions governing contested cases under
 48 the administrative procedure act, chapter 52, title 67, Idaho Code.

49 (4) Any motor carrier subject to rules promulgated under the provisions
 50 of section 67-2901A, Idaho Code, shall submit to a compliance review upon

1 request of the director or any officer designated by him, by providing for
2 inspection or copying at any reasonable time, the records, books, papers and
3 documents relating to the safety management systems or program of such motor
4 carrier.

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